



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 108<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 149

WASHINGTON, TUESDAY, SEPTEMBER 9, 2003

No. 123

## Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

### PRAYER

The Chaplain, Dr. Harry C. Black, offered the following prayer:

Let us pray.

O God, author and creator of the world's joys, bearer of the Earth's sorrows, we have loved You, but not enough; we have sought You, but not diligently enough; we have heard, but not understood; we have hoped for things heavenly, but clung to the things of Earth.

Thank You for loving us in spite of our failures. Help us not to waste our hopes and talents on unworthy pursuits. Instead, give us freedom, not to do as we like, but to like to do as we ought.

Guide our Senators today and give them Your peace.

And, especially, Lord, we pray today for those who mourn.

In Your strong name. Amen.

### PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

### SCHEDULE

Mr. SPECTER. Mr. President, I have been asked by the majority leader to make the following statement.

For the information of all Senators, this morning the Senate will resume consideration of H.R. 2660, the Labor,

HHS, and Education appropriations bill. There are a number of pending amendments that will need to be disposed of and it is therefore my hope that we can reach an agreement to vote in relation to those amendments. Many of these amendments have been fully debated and will require a rollcall vote.

I understand that on the other side of the aisle there is a reluctance to vote on any of the amendments until an agreement is reached with respect to the Harkin amendment. I encourage Members to allow us to move forward on the bill until that issue is resolved. There are a number of amendments that were pending prior to the Harkin amendment. Again, these amendments have been debated previously and are at this stage ready—should be ready for the Senate to work its will. Therefore, I hope we can begin to schedule those votes to allow further progress on the bill.

Rollcall votes are anticipated throughout the day and it is still my expectation to complete the Labor-HHS bill as early as possible this week.

Also, I would supplement what the leader has said, that there is no reason we can't finish this bill if we can get a schedule of votes. It conceivably could be done today but certainly no later than tomorrow if we move ahead and break this logjam as to when the votes are going to occur.

The leader concludes his own statement: As a reminder, today the Senate will recess from 12:30 to 2:15 for the weekly party lunches to meet.

In addition to the comments I have read on behalf of the leader, as the manager of the bill I would supplement what the leader has said to urge us to move forward. There is a certain reluctance, understandable reluctance, on the part of the Members on this side of the aisle, to be, in effect, dictated to as to when we are going to vote.

I understand the problems faced by the Democrats, where they have a

number of people running for President who are out of town. From my personal point of view, I would like to accommodate them and I would like to move on. But it draws considerable consternation and ire to be told when we are going to vote.

I had a colloquy yesterday with the Senator from Iowa, a colleague and a very good friend with whom I have worked very closely for more than a decade. There is scarcely a disagreement between Senator HARKIN and myself. As we change control of the gavel, we use the expression, "change seamlessly." But I pointed out, we have a majority, and under the rules of the Senate, the majority is supposed to determine the schedule. It is not a very big prerogative. We can't impose our will beyond a filibuster. And the Senators on the other side of the aisle are competent, able, resourceful as they articulate their views and carry their policies forward. That is something we understand.

But when it comes to a matter of the schedule it is my hope that the majority's prerogative to establish the schedule will be respected.

When I commented about our being in the majority, my esteemed colleague, Senator HARKIN said: Well, it's only 51 to 48 and 1.

There have been closer elections. There have been elections by 1 vote, not by 2½ votes.

So it is my hope that we can at least be accorded the prerogative of running the schedule. If people on this side of the aisle dig in their heels, like people on the other side of the aisle, and people on the other side of the aisle dig in their heels, we are not going to be able to conduct the people's business.

I see the Senator from Nevada waiting to speak. I will conclude. The Senator from Nevada has been in the Chamber more in the past several years than anybody else, managing the business of the Senate. He has done that when he has been in the majority and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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he has done that in the minority. I know he does his utmost to try to work these matters out.

So it is my hope that reason will prevail and we can find a way to get out of the entrenched positions, move ahead, do the public's business, and finish this bill.

#### RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I would like to respond to my friend. He is absolutely right. He and Senator HARKIN have set an example after which many of us have modeled our responsibilities on the Appropriations Committee.

I would say this. I think we should. I agree with the Senator from Pennsylvania. Why don't we go ahead and finish this bill? I think we have lost the time—we won't be able to do it today, but maybe we could do it tomorrow.

I had suggested and made a unanimous consent request that there be a vote at 3:15. When do you want the vote today? It is the pending amendment. When do you want the vote? I would say that. Let's vote on that. We have a number of amendments on which we can go ahead and vote. We have a couple more people who want to speak on the overtime issue, but they could do that quickly.

I say to my friend from Pennsylvania, check with the majority leader. See when he wants the vote. He can set the vote on overtime. We won't set it. Let him set it. Set the time for that. We can go ahead and dispose of other amendments. I think if he came back and said fine, vote on it at 2:15, or whenever—give us a suggestion—then we will try to finish this bill.

Mr. SPECTER. Mr. President, I would direct this question to the Senator from Nevada. He says let the majority leader determine when the vote should be set. I would agree with that. But suppose the majority leader says we ought to take the Harkin amendment vote after we take the votes on the other amendments?

Mr. REID. Fine.

Mr. SPECTER. And vote, but not necessarily today.

Mr. REID. Mr. President, I would say to my—

Mr. SPECTER. Mr. President, let me add, I personally don't object to voting today, but there are a lot of people on this side of the aisle who do as a matter of protocol and principle.

That is why I am going to leave the Chamber in a few minutes and, along with the President pro tempore, who is the chairman of the full committee, discuss the matter with the majority leader.

But as I understand the position of the Senator from Nevada and his side of the aisle, it is that they insist on the vote today.

Am I incorrect about that?

Mr. REID. Mr. President, we have never in the past 6 months, during the

time four Members are running in the Presidential campaign, said to the majority that we can't vote today because people are running for President. We have never done that. We have lost by one vote. And we have gone ahead and refiled amendments. We have taken our lumps.

On this occasion, we gave adequate notice that we think it is a good idea to vote on Tuesday. But we never tried to play games as to why we wanted that. We have done this on one occasion. This is an extremely important vote for the country.

What I am saying is that I guess we are in a no-win situation. If the majority leader says we are not going to vote on it today, then I don't see any alternative. But we are not going to be able to finish this bill. This is an important bill for the people of the State of Nevada.

It is an important bill for the people of this country. But the overtime issue is also an important issue.

I say to my friend from Pennsylvania that we are going to vote on this issue whether it is on this bill or if we are unable to finish this bill when it comes back or on a continuing resolution—however it gets here. We have a right to vote on this amendment.

I don't understand why we cannot have a vote sometime today. That is my point. Let the leader schedule it, if he wants to, right now. Do it now. If he wants to do it at 6 o'clock tonight—whenever he wants to do it—we can set it up and get rid of all of these other amendments and be in pretty good shape to finish this bill tomorrow sometime.

Mr. SPECTER. Mr. President, we will try to find the position of the leader on this issue as he represents the majority. We will report back as promptly as we can.

Mr. REID. Mr. President, if I may say one other thing, this kind of reminds me of Roger Miller. He was a songwriter. He wrote songs which I identified with more than my friend from Pennsylvania who probably likes opera and other things. But one of the lines in one of the songs which Roger Miller wrote was pride is the chief reason for the decline in the number of husbands and wives. I think that is really true. That is what we have here. We are being prideful saying I got you and you got me. Why don't we, as adults, try to work this out so we can have a vote on overtime. We want it at 3:15. Have the leader set it any time he wants today but complete the other amendments that are important. It is a tough vote. There is no question about that. Most of them are 60-vote waivers.

I would like to finish this bill. I know the Presiding Officer has a real interest in this. Once we knock this out, we have eight more appropriations bills to go. We might be able to do another one this week. That would leave seven. That puts us in pretty good shape to finish all of this.

We want a certain time this afternoon, but we can do it some other

time. We will swallow whatever pride we have, and hopefully you folks will, and we can finish this bill.

Mr. SPECTER. Mr. President, the Senator from Nevada has articulated some wisdom this morning in his comments about pride. I think of the statement "pride goeth before a fall." I think we can retain our pride and also get this worked out.

#### RECESS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate stand in recess until 10:15 a.m. to give us an opportunity to try to ascertain the position of the majority leader and the Republican caucus.

There being no objection, the Senate, at 9:44 a.m., recessed until 10:10 a.m. and reassembled when called to order by the President pro tempore (Mr. STEVENS).

#### RECESS

The PRESIDENT pro tempore. In my capacity as a Senator from Alaska, I ask unanimous consent that the Senate stand in recess until 10:45 a.m.

There being no objection, the Senate, at 10:10 a.m., recessed until 10:44 a.m. and reassembled when called to order by the President pro tempore.

#### RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2660, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

Specter amendment No. 1542, in the nature of a substitute.

Byrd amendment No. 1543 (to amendment No. 1542), to provide additional funding for education for the disadvantaged.

Akaka amendment No. 1544 (to amendment No. 1542), to provide funding for the Excellence in Economic Education Act of 2001.

Mikulski amendment No. 1552 (to amendment No. 1542), to increase funding for programs under the Nurse Reinvestment Act and other nursing workforce development programs.

Kohl amendment No. 1558 (to amendment No. 1542), to provide additional funding for the ombudsman program for the protection of vulnerable older Americans.

Kennedy amendment No. 1566 (to amendment No. 1542), to increase student financial

aid by an amount that matches the increase in low- and middle-income family college costs.

Dodd amendment No. 1572 (to amendment No. 1542), to provide additional funding for grants to States under part B of the Individuals with Disabilities Education Act.

DeWine amendment No. 1561 (to amendment No. 1542), to provide funds to support graduate medical education programs in children's hospitals.

DeWine amendment No. 1560 (to amendment No. 1542), to provide funds to support poison control centers.

DeWine amendment No. 1578 (to amendment No. 1542), to provide funding for the Underground Railroad Education and Cultural Program.

Harkin amendment No. 1580 (to amendment No. 1542), to protect the rights of employees to receive overtime compensation.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, last week the Labor Department announced we had lost almost 100,000 more jobs in the month of August. Almost 9 million American people are unemployed. Almost 2 million of these people have been out of work for more than 6 months. As bad as these numbers are, the real story is even worse. These figures don't include 1.7 million people who want work but have given up looking for it and are no longer counted in the unemployed listed by the Labor Department. They don't qualify.

The problem is especially frightening among minority groups. Unemployment among African Americans is double the rate for whites. It is much harder for Hispanic and Asian Americans to find jobs.

Some may have heard the economy in Nevada is booming. We are so fortunate. It isn't as bad as it is in some places. But "booming" is not the proper term for it. People in Nevada, as good as it is, are having a lot of problems. We have more than 90,000 people out of work. These numbers are grim, and they don't even begin to tell the story.

Every time we lose a job, it threatens another family's American dream—the dream of owning a home, building a strong community, giving children a good education.

Some have said the economy is recovering. But is it recovering when we are still losing jobs to the tune of 100,000 a month? We know job loss is not a normal function of the business cycle. Job loss reflects more serious underlying problems with our economy such as the alarming loss of manufacturing jobs. In the last 3 years, we lost 16 percent of our manufacturing jobs. This is serious, and we need to take it seriously. We need a plan to create more jobs.

Unfortunately, the administration's only plan seems to be more of the same. Since January of 2001, we have lost more than 3 million jobs. This is the first administration since Herbert Hoover to lose jobs, and our President says more of the same.

We have to do something different. Instead of a continual program of tax breaks for those who have the most, we have to create jobs for those who want to work. We can create jobs by building new schools, roads, bridges, by rebuilding our decaying sewer systems, and by replacing broken water pipes. Any State in the Union qualifies for new schools, new roads, new bridges, and, of course, rebuilding our decaying sewer systems and replacing broken water pipes.

All over America there are plans no longer on the drawing boards. They are ready to be executed. They just need the money. We can create jobs. For every billion dollars we spend on a public works project, we create 47,000 high-paying jobs. We can also create jobs by promoting new technology to produce energy, and we can do this by having a view that we should do more with renewable, nonpolluting sources. This will not only create jobs, it will benefit our environment and help us achieve energy independence.

We can save existing jobs by helping our financially burdened States so they do not have to raise taxes on working families and small businesses. We can reverse this trend. We can save the jobs we have and help create new ones. We have to be innovative.

I hope the President will consider joining with this Senator and others who want to push what we call the American Marshall Plan; that is, have the Federal Government spend money to create jobs. These jobs are not Government jobs; they are private sector jobs.

I repeat, for every \$1 billion we spend, there are 47,000 high-paying jobs, and the spinoff from those jobs is unbelievably large. That is what we need to do. America needs it. We need it to create jobs, but we also need it to make America a better place to live with better roads, bridges, dams, cleaner water, and able to adequately dispose of our sewer problems.

Mr. President, I hope we can do some of these activities in the immediate future, and I hope we are joined by the administration.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1580

Mr. HARKIN. Mr. President, last week I offered an amendment to the pending appropriations bill that would prevent the administration from imple-

menting a new regulation that could result in millions of American workers losing their overtime pay protection.

My amendment is very straightforward. It would allow the administration to increase overtime pay protection for working Americans but not take it away from those who currently have that protection.

I was quite surprised, as a matter of fact, to come to work yesterday and find that on Friday, after we had debated this appropriations bill—we adopted a couple of amendments on the appropriations bill last Friday, and, we all know, at the end of the day, the leader always has unanimous consent requests agreed to that have been worked out on both sides. I was quite surprised to see that last Friday, the Senate passed unanimously, by consent, a sense-of-the-Senate resolution supporting a balance between work and personal life being in the best interest of national worker productivity and families.

S. Res. 210 was adopted last Friday. It is sponsored by Mr. HATCH, Mr. KENNEDY, Mr. DODD, Mr. ALEXANDER, and I assume others. It expresses the sense of the Senate that supporting a balance between work and personal life is in the best interest of national worker productivity and that the President should issue a proclamation designating October as "National Work and Family Month."

I will read a few of the clauses that we all voted for last Friday:

Whereas the quality of workers' jobs and the supportiveness of their workplaces are key predictors of job productivity, job satisfaction, commitment to employers and retention. . . .

Whereas employees who feel overworked tend to feel less successful in their relationships with their spouses, children, and friends, and tend to neglect themselves, feel less healthy, and feel more stress;

Whereas 85 percent of U.S. wage and salaried workers have immediate, day-to-day family responsibilities off the job;

Whereas 46 percent of wage and salaried workers are parents with children under the age of 18 who live with them at least half-time;

Whereas job flexibility allows parents to be more involved in their children's lives, and parental involvement is associated with children's higher achievement in language and mathematics, improved behavior, greater academic persistence, and lower dropout rates. . . .

Whereas nearly all working adults are concerned about spending more time with their immediate family. . . .

*Resolved, That—*

(1) it is the sense of the Senate that—

(A) reducing the conflict between work and family life should be a national priority; and  
(B) the month of October should be designated as "National Work and Family Month";

(2) the Senate requests that the President issue a proclamation calling upon the people of the United States to observe "National Work and Family Month" with appropriate ceremonies and activities.

We adopted this resolution last Friday, unanimously. Maybe some did not know about it. I did not know about it either, but I support it. It sounds very

good: It is the sense of the Senate that reducing the conflict between work and family life should be a national priority.

We have this resolution, and now we have the proposal by the administration, rolled out this spring under cover of darkness—there was not one public hearing anywhere in the Nation—which changes rules and regulations that will affect overtime protection for over 8 million American workers and their families.

It is interesting that the administration did not ask us to change the law. No, they just want to do it by rules and regulations.

We cannot have it both ways. We cannot have a sense-of-the-Senate resolution saying—we all say—we have to reduce the conflict between work and family life, and it ought to be a national priority; that people need to spend more time with their families, and then let the administration implement these changes in rules and regulations which mean that people will have to work longer hours with less pay. That is exactly what it means: longer hours with less pay.

I found it so interesting that we have been debating my amendment—it came up last week. I guess we talked about it a couple of times during the week. We talked about it at length on Thursday. We spoke about it on Friday, and yet on the very same day we adopt a sense-of-the-Senate resolution unanimously saying we want to reduce stress on families. We want to recognize that workers need more time with their families. Well, OK, here is a chance to not just have a sense-of-the-Senate resolution but to take concrete action to make sure that happens by telling the administration that we are not going to permit these changes in rules and regulations that would take away overtime protection for up to 8 million people.

Again, a quick summary of the Bush administration's proposal is simply this: Eliminate the 40-hour workweek by allowing employers to deny millions of workers overtime pay, workers who are currently guaranteed overtime pay protections under the Fair Labor Standards Act passed in 1938. This proposal is antiworker. It is antifamily. It is the antithesis, the total opposite, of what we passed on Friday as a sense-of-the-Senate resolution. It is an attack on America's middle and lower income workers. It will not create one job. In fact, just the opposite; it will kill a lot of jobs.

Why do I say that? Because employers right now know that if workers work more than 40 hours a week, they have to pay time and a half overtime. So in many cases, they might find it better to go ahead and hire someone new, hire another person, rather than paying that kind of overtime pay.

Let's say one changes the rules of the game. No longer is one protected by time and a half. That means their employer can say they need them to work

43 hours this week, 44 hours, 45, but guess what. They do not get any more money. They get the same salary they had before. They just do not get any more money.

Now, what is an employer going to do? Why, here is a new pool of labor that is not going to cost him a cent. So why would they go hire someone new to work when they can take an existing person and say work longer at no extra pay?

Employers will have a financial disincentive to hire new workers if they can force current workers to work these longer hours without pay.

Who are we talking about? We are talking about nurses—again, we have a nursing shortage right now and we are trying to get more nurses—police officers, firefighters, retail managers, insurance claim adjusters, journalists, medical technicians, paralegals, surveyors, secretaries, and so on. For most of those men and women, the overtime pay they earn is not spare change. It is not for frivolous spending. Sometimes it is essential to help pay the mortgage, feed the children, pay for college, and save for retirement.

In fact, I have a recent letter from the National Association of Police Organizations which represents thousands of law enforcement officers from across the country. They oppose the administration's proposal because, as they said:

Under such regulations, America's State and local law enforcement officers, already strained by countless overtime hours ensuring community safety from terrorist threats, could lose their basic benefit accorded to them for their efforts.

A few days ago President Bush was asked a question about my amendment. He said that basically I was wrong. He said that the proposal would increase overtime coverage for low-income workers.

Interestingly enough, part of the proposal does raise the income threshold, and I will get into that in a minute. So he says it is going to cover more people. The other part of the proposal, though, in changing the rules, would result in up to 8 million people losing overtime pay protection.

By raising this income threshold, most of the people who are already getting overtime pay are already over that threshold so they are going to be covered anyway. They are covered now. They are going to be covered then. So it is really not going to increase the number of people paid overtime pay because they are already getting it. But do not take my word for it. This is what industry and their consultants had to say about it from Hewitt Associates. On their Web they say their clients include half of the companies on the Fortune 500 list. This is what Hewitt Associates said:

These proposed changes likely will open the door for employers to reclassify a large number of previously nonexempt employees as exempt—

Meaning exempt from overtime pay.

The resulting effect on compensation and morale could be detrimental, as employees previously accustomed to earning, in some cases, significant amounts of overtime would suddenly lose that opportunity.

The administration argues the proposal they are putting out is simply to update and clarify current regulations under the Fair Labor Standards Act. Again, the Society for Human Resource Management, which touts itself on its Web site as the world's largest association devoted to human resource management, said the following:

This is going to affect every workplace, every employee and every professional.

I will explain a little bit about how some of these rules work right now. Under the Fair Labor Standards Act of 1938, hourly workers are generally guaranteed overtime pay when they work more than 40 hours a week. Many salaried workers are also eligible for overtime pay under this law. The administration's proposal will make it much easier for employers to deny salaried workers overtime pay protection. The result: Millions of salaried workers earning more than \$22,100 a year would be denied overtime under the proposed changes. This proposal would keep workers from spending time with their families without compensation.

Now, we said last week we want workers to spend more time with their families. One of the ways to do that is if they have guaranteed overtime.

Maybe the employer says, well, I do not need an employee to work overtime because I have to pay time and a half. Well, now if I do not have to pay them time and a half, they can work 44, 48 hours a week and I do not have to pay anything extra.

I have always thought at least—and I think it has sort of been generally accepted as a kind of a social contract in this country—that we wanted people to spend more time with their families, but if an employer needed someone to work overtime, that they would be compensated for that at more than just their regular pay because we were taking away the time they could spend with their family that would be beyond their normal workweek, and therefore we paid time and a half, or on Sundays sometimes double time, for that kind of overtime.

Right now, American workers already work longer hours than any industrialized country and nearly all Third World countries. This is a chart that shows that. U.S. work hours increase, over the years, while those in other industrialized nations decrease. Here is the change in annual average hours worked from 1979 to 2000. We see in the United States it went up 32 hours. In Japan, it has fallen 386 hours; Germany, fallen 489 hours; France, fallen 244 hours; Italy, 88; United Kingdom, 107 hours; Canada, minus 31 hours; Australia, minus 44 hours. This is from the Organization for Economic Cooperation and Development, 2001.

Already, our workers are working more than their counterparts in all of

these countries, from Japan to Australia to the United Kingdom, France, and Germany. They have made a decision in those countries that one can still have high productivity and still give workers time off to be with their families, and they have a better social system and stronger families because of it, and because workers are not working so much they are more productive in the time they do work. In America we just keep on working people more and more, longer hours all the time. So already American workers are working longer hours.

Under this proposal put out by the Bush administration to take away overtime protection, in a few years this number is going to be skyrocketing. As I said before, it is not enough that we export all of our manufacturing jobs out of this country to Third World countries; now we are importing Third World labor standards into this country: No labor protections and no overtime protection, just work however long your employer wants you to work without overtime pay protection.

Major women's organizations, including the National Partnership for Women and Families and the American Association of University Women, oppose the administration's proposal because they fear an increase in mandatory overtime would take time away from families and disrupt the schedules of working parents as well as impose additional childcare and other expenses.

I said last week that the first wave of people who will be hit, if this proposed change goes through, will be women. This charts show what I mean and why it will be women who will be hit first and hardest. I am not saying men won't be hit; they will be. But I am saying the first wave of people hit the hardest by taking away overtime pay protection will be women.

If we look at the labor force participation rate for men and women from 1948 until today, we see participation of women has climbed dramatically. Women's participation in the labor force climbed from slightly over 30 percent to over 60 percent, and participation rates for men consequently have declined from about 88 percent to about 74 or 75 percent. So it is women who have come into the workforce in the last 30 or 40 years.

We see some other statistics here. We find that 61.3 percent of married couples with children were dual earners in 2002.

In 1975, 47.3 percent of women with children were in the labor force. In 2002, it was 71.8 percent.

Women with children under 3—in 1975, only 34 percent of women with children under age 3 were in the workforce. Now it is over 60 percent of women with children under 3 who are in the workforce. And 66 percent of women with children worked 40 hours or more in 2002.

Who are these women? Bookkeepers, paralegals, clerks, nurses, physical

therapists, social workers, et cetera, those who are really doing the nitty-gritty hard work to keep our society together. These are the facts right here. Now we are going to tell these women: Sorry, we know you have children in daycare, we know you have to pay a lot for childcare, but we need you to work longer hours per week.

Maybe in the past, if these women had worked longer hours, they got time and a half for overtime, but now they will not; they will get the same salary rate. Now they will have to continue to pay for more childcare. Yet they will not get 1 cent more for their labors.

This chart also shows what is happening with middle-income families. Remember last week we passed a sense-of-the-Senate resolution saying it is the sense of the Senate that reducing the conflict between work and family life should be a national priority? We recognized:

Whereas nearly all working adults are concerned about spending more time with their immediate family;

Whereas 85 percent of U.S. wage and salaried workers have immediate day-to-day family responsibilities off the job;

Whereas employees who feel overworked tend to feel less successful in their relationships with their spouses, children, and friends. . . .

That is what we said last week on the Senate floor.

Here is what is happening with our middle-income families. Average weeks worked per year by middle-income families with children: In 1969, the number of average weeks worked per year by middle-income families with children was 78.2. Look at it now, 97.9 weeks per year, average, for a middle-income family in America with children. That is why I showed this first chart, where you see the United States is going up in hours worked and all the other countries are going down. And you wonder why American workers and their families are stressed out, why we are having family strife in this country, why families are breaking up, why the divorce rate gets higher, why our kids don't have parents around after school to help nurture them. We wonder why we are having such trouble in our society. Because we are not letting our working parents spend more time with their families.

Columnist Bob Herbert recently wrote in the New York Times:

You would think that an administration that has presided over the loss of millions of jobs might want to strengthen the protections of workers fortunate enough to still be employed. But that's not what the Administration is about.

Since the Senate overwhelmingly supported the Hatch resolution last Friday, which I just quoted from—passed unanimously—I would think it would be a no-brainer to support my amendment saying the administration cannot take away overtime pay protection for millions of Americans. But I don't know what the situation is right now with the leadership. We wanted to vote on it today. We wanted to vote on

it today, but I guess the leadership on that side, on the majority side—I don't know what they are deciding right now, whether or not we can vote on it today or not.

But we are all here.

The Senator from Pennsylvania earlier mentioned something about Democratic Presidential candidates being gone. That is true. They are running for President. The Senator from Pennsylvania sought the Presidency himself once. So did this Senator from Iowa. You know what it is like when you have to be out there on the campaign trail and attend to your duties here. But it just so happens everyone seems to be here today. So why don't we vote today? Why is there an empty Chamber? Why don't we move ahead and vote—now, later, I don't care when—and we can wrap up this bill by tonight.

Again, I don't know why we would want to make it easier to deny American workers overtime pay. Why would we want to make it easier? It seems to me we would want to make it tougher. If we want people to spend more time with their families, reduce that kind of stress, you would think we would want to make it tougher, harder to deny American workers overtime pay. But the proposed regulations of the Bush administration would make it easier. I don't know. Why would we want to do that? How would this help the economy? How does it strengthen families? How does it help people who need to work overtime for extra pay?

I read into the RECORD last Friday a statement by a worker—I forget what State she was from—who had a disabled child, and she was saying she needed the overtime pay for her upkeep and to keep her child home and she relied on her overtime pay.

Here it is. Michael Farrar, from Jacksonville, FL. He and his wife need overtime pay to support their 21-year-old disabled son Andy who lives with them. Michael Farrar said:

When I took this job, it was clear that I was expected to work more than 40 hours per week. And I agreed to it because I knew I'd need the money. We'd be devastated without the overtime now—we have no more corners to cut.

When I took this job it was clear that I was expected to work more than 40 hours a week. And I agreed to it because I knew I would need the money.

Michael Farrar of Jacksonville, FL.

Sheila Perez of Bremerton, WA said:

I began my career as a supply clerk earning \$3.10 an hour in 1976.

I entered an upward mobility program and received training to become an engineer technician with a career ladder that gave me a yearly boost of income. It seemed though that even with a decent raise each year I really relied on overtime income to help make ends meet. There are many more single parents today with the same problem. How does one pay for the car that broke down or the braces for the children's teeth?

When I as a working mother leave my 8-hour day job and go home, my second shift begins. There is dinner to cook, dishes to wash, laundry, and all the other house work

that must be done which adds another 3 to 4 hours to your workday. When one has to put in extra hours at work, it takes away from the time needed to take care of our personal needs. It seems only fair that one should be compensated for that extra effort.

These are not my words. These are the words of Sheila Perez of Bremerton, WA.

It seems only fair that one should be compensated for that extra effort. Overtime is a sacrifice of one's time, energy and physical and mental well-being. Compensation should be commensurate in the form of premium pay as it is a premium of one's personal time, energy and expertise that is being used. It has been a crime that many engineers and technicians were paid less than even their straight time for overtime worked. It has never made sense to me that the hours I work past my normal 8 are of a lesser value when those additional hours are a cost of my personal time.

What do we say to Sheila Perez? What do we say to Michael Farrar? I think what we say to them is that we understand. We passed a sense-of-the-Senate resolution last Friday. That is what we did. We passed a sense-of-the-Senate resolution expressing the sense of the Senate that workers are overstressed and overworked. They are concerned about spending more time with their families. We said it is the sense of the Senate that reducing the conflict between work and family life should be a national priority. Yes, Michael Farrar, that is what we said. Yes, Sheila Perez, we said that on your behalf last Friday. But, Michael Farrar; but, Sheila Perez, today, on Tuesday, the week after, we are not going to do one single thing to stop the Bush administration from changing rules and regulations that will take away your overtime pay protection.

It is not what we do, Ms. Perez or Mr. Farrar, that is important around here. It is what we say that is important. We said: We are on your side. We understand your problems. Gosh, we think it should be a national priority. But don't count on our votes to make it happen. Listen to what we say but don't watch what we do around this place.

It is time for us to stand and be counted and to put into form what we said last week the facts are. These are all nice words on a piece of paper. This is what we believe without actions to back up our beliefs.

What I am asking is the Senate now back up those nice words that we said last Friday in this sense-of-the-Senate resolution—back them up with a strong vote saying that we are going to protect overtime pay protection. We are not going to permit overtime pay protection to be taken away. If you do not to strengthen it, or if you want to extend overtime pay protection for more workers, that is fine. But don't take it away from the workers who now have it.

That is what this amendment that I have offered is all about. I am hopeful we can get to a vote on it today. We are here to vote. It is Tuesday. It is already 11:30. We haven't had one vote today. Why not? Why don't we vote on

this? It is the pending amendment. I don't know why we can't vote on it. But evidently, for some reason, the Republican majority doesn't want to vote on my amendment. The majority, for some reason, doesn't want to bring it up for a vote. Why, I don't know. After all, Republicans, as well as Democrats, voted unanimously last Friday saying that it is the sense of the Senate that reducing the conflict between work and family life should be a national priority. Why we don't want to vote on this today, for the life of me, I can't understand.

I end my comments now, but I will be back to talk more about this overtime issue because it is a national issue. It is one that strikes at the very heart of the middle-income and middle-class families in this country. It is an issue that strikes at the very heart of our productivity as a country. It is an issue that strikes at the very heart of what kind of society we want to be and to become. It strikes at the very heart of working women who have children and who want some time, as Ms. Sheila Perez said, to attend to personal needs and to a second shift at home with their kids and family. That is what it strikes.

It is time for us to do our duty, to do our job, to stand up for working families and to stand up for the men and women of this country who are now being overworked and underpaid. If this proposed change in regulations goes through, it will mean more overwork and more underpay. That is the wrong direction for our country. It is time for the Senate to say no to these changes in regulations that would take away overtime pay protection for millions of middle-income Americans.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, the Department of Labor overtime proposal is the latest in a series of assaults on working Americans that began in the early days of this administration. Right out of the gate, the President made it his first legislative priority to overturn a Federal ergonomics standard that was more than 10 years in the making. I am also concerned about the approach this administration has taken on the collective bargaining process through its use of the Railway Labor Act and the Taft-Hartley Act. We have also seen the reintroduction in Congress of so-called "family friendly" workplace bills that we all know really seek to rob working families of vital overtime pay.

In March of this year, the Department of Labor proposed a regulation that builds upon these efforts to tear

down worker protections by denying millions of Americans vital overtime pay. This proposed rule would change the three tests that must be met to declare a worker exempt from the wage and hour protections of the Fair Labor Standards Act, thus opening the door to denial of overtime benefits to more than 8 million workers who currently are entitled to this extra pay for working more than 40 hours per week.

Under current law, a worker must meet each of three tests to be declared exempt from overtime protections. First, workers earning less than a certain level each week cannot be exempted. Second, workers must be paid a set salary, not an hourly rate, in order to be exempt. Finally, only workers whose job responsibilities are primarily classified as administrative, professional, or executive can be exempt from overtime protections. The proposed rule would reduce the educational levels required to be classified as a professional or administrative employee, thus allowing employers to substitute as little as 2 years of work experience for education when considering whether an employee should be entitled to overtime protections.

I am deeply concerned that the administration continues to characterize these changes to overtime protections as "small" or "insignificant." During an August 31 interview with National Public Radio, the Secretary of Labor said of the proposed rule, "it's not an overtime regulation. We have many, many overtime regulations. This is not one of the major ones. This is a small part of the Fair Labor Standards Act that pertains to white collar workers. So it's got nothing to do with blue collar workers."

The wage and hour protections of the FLSA are intended to protect all workers from being forced to work excessive hours without additional compensation. The Secretary's attempt to differentiate between white collar and blue collar workers in such a way as to imply that only blue collar workers are protected by the FLSA is troubling.

According to the Economic Policy Institute, EPI:

The revised regulations—would dramatically increase the number of workers whose jobs are classified as professional, administrative, or executive and therefore ineligible for overtime pay. The blurring of the lines between managerial and hourly staff, coupled with a downgrading of the educational standards required to exempt employees from overtime pay, will give employers a powerful incentive to switch millions of workers from hourly to salaried status in order to reap the benefit of a newly created pool of unpaid overtime hours.

In essence, this rule would create a larger force of employees who can be required to work longer hours for less pay. This could also mean fewer opportunities for paid overtime for the workers who would remain eligible for it.

The administration has claimed that they are trying simply to update and clarify the FLSA as it applies to white collar employees. According to the Secretary:

"[W]hat we are trying to do is clarify a regulation that has not been modernized in well over 50 years. And the ambiguity in the regulation is impeding the Department's ability to enforce the law so that we cannot protect workers who need protection. So what we are trying to do is to guarantee vulnerable, low-wage workers the overtime that they deserve, and we also want to provide clarity so that business people know what they're supposed to be doing.

It seems to me that the FLSA is abundantly clear: if a worker who is covered by the act works more than 40 hours per week, he or she is entitled to time-and-a-half pay for each extra hour worked.

According to the EPI, the administration's proposed changes go far beyond simple clarifications. "It is troubling that such dramatic losses in overtime protection are being proposed as a means of bringing clarity to the regulations and reducing litigation. As [our report] has shown—the proposed rule is rife with ambiguity and new terms—that will spawn new litigation."

The Secretary's contention that the FLSA has not been updated in 50 years is just plain false. Congress has amended and revised the FLSA numerous times since its enactment in 1938, most recently just 3 years ago. I regret that this administration continues to characterize Federal labor protections as "outdated" and claims that it seeks to "update" them for the new century, when, in fact, many of its proposals would roll back protections for workers around the country.

Who are the 8 million workers who will be affected by this proposed rule change? According to EPI, 257 "white collar" occupational groups could be impacted. EPI did a detailed analysis of the effect of this rule on 78 of those occupational groups and found that 2.5 million salaried employees and 5.5 million hourly workers would lose their overtime protections under the proposed rule. And that is less than half of the occupational groups that would be covered by this rule change.

By broadening the FLSA wage and hour exemptions, the Department of Labor is seeking to deny overtime benefits to a wide range of workers, including police officers, firefighters, and other first responders, nurses and other health care workers, postmasters, preschool teachers, and social workers, just to name a few.

I am deeply troubled that the administration would propose a rule that would deny overtime benefits to the people who put their lives on the line each and every day to protect our communities and those who work in health care professions, which, of course, as we know, already are facing severe staffing shortages. I am also disappointed that the Office of Management and Budget issued a "Statement of Administration Policy" document on this bill that states that the President's advisers would recommend that he veto this important appropriations bill if the Harkin amendment is adopted. I think it is irresponsible to threat-

en to veto a bill that includes crucial funding for labor, health, and education programs because the administration, apparently, is digging in its heels about a proposal that would deny millions of Americans overtime pay. I regret that this administration is so determined to undermine labor protections for American workers that it would actually threaten to deny funding for schools, health care, job training, and other programs that it regularly claims are a priority.

I urge my colleagues to support working families by supporting the Harkin amendment.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

#### DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004—Continued

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, just prior to the caucus recess I had the opportunity to talk to Senator FRIST about the pending schedule. We both had indicated to each other that it was our expectation we would talk to the caucus about where we are with regard to that schedule. I had indicated it would be my expectation we could complete our work on the Labor, Education appropriations bill prior to September 11; I couldn't guarantee it, but that would be my expectation. What we really wanted was an opportunity to do what Senator HARKIN has been calling for since he offered his amendment on the overtime regulation last Friday. We have said if we can get a vote, which is, of course, the right of any Senator to expect if he offers his amendment, if we have that vote, if they cooperate, then certainly we can reciprocate. It is our desire is to reciprocate and cooperate.

However, I come to the floor this afternoon simply to reiterate how vitally important this issue is. Eight million people in this country today will be affected by the vote to be taken here. With absolutely no consultation, with no public hearings, with little public debate, last spring the adminis-

tration promulgated new rules weakening overtime protection for workers. Again, as I said, there was no consultation with us or the millions of workers affected before the most sweeping change in overtime rules was issued.

The overtime regulations have changed over the years but, as Senator HARKIN has so ably and eloquently pointed out, this is the first time the Department of Labor has used their efforts to update the salary threshold as a back door to take away overtime protection for millions of workers. This is a major constraint being created in the overtime rules.

What is remarkable is that overtime pay now accounts for 25 percent of the income of workers who work overtime—25 percent. These rules affect firefighters. It affects policemen. It affects first responders in various ways—emergency medical technicians, licensed practical nurses, pilots, dental hygienists, health technicians, electrical technicians, air traffic controllers. They are all affected, and that is not a complete list.

Senator HARKIN has noted it was just last Friday we passed S. Res. 210. I will not reread the whole thing, he did such a good job earlier today, but we cite:

... the more overworked employees feel, the more likely they are to report making mistakes, feel anger and resentment toward employers and coworkers, and look for a new job...

Whereas 46 percent of salaried workers are parents with children under the age of 18 who live with them at least half-time...

Whereas nearly one out of every four Americans—over 45 million Americans—provided or arranged care for a family member or friend in the past year...

With all those "whereas's"—again, I will not repeat them all—we concluded just last Friday, unanimously, that it is the position of the Senate that we should reduce the conflict between work and family life; that this should be a national priority; that the month of October—next month—should be designated as "National Work and Family Month"; and that the President should issue a proclamation calling upon the people of the United States to observe "National Work and Family Month" with appropriate ceremonies and activities.

If I had been on the Senate floor, I would have offered an amendment. I would have called for the passage, as well, of the Harkin amendment. How could you possibly proclaim "National Work and Family Month" and then tell millions of workers who earn overtime pay that they don't have the right to the protection that the Fair Labor Standards Act has provided them now for over 65 years?

The Republicans' actions makes a mockery of this resolution.

This is a critical vote. Whether it is today, tomorrow, or it is at some point in the future, we will have a vote on this legislation. We will vote on whether to protect American workers against



this incredibly sweeping and irresponsible attack on their right to be compensated for overtime worked in this country today.

Nothing could be more important. As far as we are concerned, nothing in this bill is any more important than this amendment.

I come to the floor again to express the hope that we can have the vote today and that we can move to complete our work on the bill this week and send the right message, along with the resolution we just passed last Friday, that we do respect the right of all workers and that we respect their right to be paid fairly for the work they do.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. DASCHLE. I would be happy to yield to the Senator from Illinois.

Mr. DURBIN. I would like to ask this question: Is it not true that since President Bush took office we have lost 3.3 million private-sector jobs in America, more jobs lost than any President since Herbert Hoover and the Great Depression, and that 75 percent of the jobs lost have been manufacturing jobs and good paying jobs across America? Despite the fact that manufacturing jobs account for less than 14 percent of our private-sector economy, 75 percent of the private-sector job loss has been in manufacturing jobs. These jobs have been lost to Third World countries—China and other nations.

Is it not also true that this proposal to cut overtime and basically defy the sacred 40-hour workweek would result in the importation of Third World wage standards into the United States? It is bad enough that we have lost millions of jobs to the Third World and overseas. Is this proposal by the Bush administration adding insult to injury by bringing those Third World work standards to America's families we honored with that resolution last Friday?

Mr. DASCHLE. I am afraid the Senator from Illinois is exactly right. This is a license to import Third World wage standards into the United States—to turn the clock back 65 years. That is exactly what we are doing. We are telling the workers that you are not only not going to get overtime, but this is just the beginning. If they get away with this, where does it end?

The Senator is right about unemployment, whether the number is 2.7 million or 3.3 million. There were 93,000 last month alone.

The situation is going from bad to worse. We are not only losing jobs, but those who have jobs are losing pay. As the Senator from Illinois said so well, we are importing Third World standards on those wages as a result of these proposed regulations.

Mrs. BOXER. Mr. President, will the Senator yield?

Mr. DASCHLE. I would be happy to yield to the Senator from California.

Mrs. BOXER. I would like to ask a question of my colleague. Here we are in the week of September 11. We are

going to memorialize the heroes of September 11. The last memory we all have of our President going down to Ground Zero and placing his arms around the shoulders of these brave people—and we just found out they were in serious danger due to what was happening in terms of the quality of the air. We have found that it was not what it was said to be. Everything that I am reading and the mail I am getting indicates that many of our firefighters, emergency workers, and nurses are workers who rely upon overtime pay in order to keep their families together. I have the most emotional letters which I have put in the RECORD on this point.

Does my friend not see the irony in the fact that we are approaching the September 11 date and honoring the heroes of that day and they are the ones who are going to be hurt by this terrible ruling of the administration unless we prevail and have a vote to overturn it?

Mr. DASCHLE. Mr. President, the Senator from California has articulated it better than I did. I would call it bitter irony as we approach September 11 in recognition of so many first responders who gave their lives—and in some cases because of the injuries inflicted gave their livelihoods—as we pass additional commemoration on September 11 resolutions of praise and gratitude to the first responders, how ironic that there would be an effort to promulgate a regulation that takes away their rights to compensation which they so richly and justly deserve. How ironic.

The Senator from California is right. If we are going to pass these commemorations again—and indeed we should—let us make them meaningful. Let us say that we also recognize the contribution you make every day—not just what you contributed on September 11, 2001, but what you are contributing on September 11, 2003, and every single day you come to work. Let us acknowledge that contribution. Let us acknowledge it with a meaningful commitment in pay by overturning this harsh regulation.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. DASCHLE. Yes.

Mr. KENNEDY. Do I understand correctly that it is the position of the Republican Party that rather than giving an opportunity for the Senate to express itself, the President has announced that if this particular provision is turned over—effectively if we vitiate what the administration is attempting to do on overtime—they are prepared to veto legislation which is vital for the education of the children, K-12, legislation which provides important help and assistance for those young students who are trying to continue along in terms of higher education, and effectively emasculate or undermine, as well, the funding that is necessary for the National Institutes of Health? This administration evidently is saying it is more important to deny

nurses, firefighters, and policemen overtime than to provide the funding which is essential to educate the children and to provide for essential health needs.

Is that the understanding of our leader as to the position of the majority on this legislation?

Mr. DASCHLE. Mr. President, I was struck by the extraordinary statement made by the administration last week in a statement of administration policy. Last week it said we know there is approximately \$21 billion in here for education and for those going to college. The NIH funding is about \$28 billion. This bill will affect every school district in America. It will affect children under title I and disabled children under IDEA. It will affect afterschool programs, preschool programs, and school lunch. It will affect virtually every aspect of education in America. And the President said he is going to veto this legislation if we overturn the regulation on overtime. What kind of message does that send to America and to those who heard this President say over the course of his time in the White House that education is important to him, and that education is a special priority to him?

Apparently, it is not as much of a priority as it is to ensure that we don't pass an amendment protecting workers from losing their earned overtime.

Mr. KENNEDY. Mr. President, if I could ask one more question of the Senator, the Senator is very familiar with the fact that our Republican friends refuse to permit the Senate to have a vote on increasing the minimum wage. If we don't increase the minimum wage, it will be the lowest in terms of purchasing power in the history of minimum wage. Republicans won't permit that. They oppose the Davis-Bacon provision which permits construction workers to be able to have a decent income. They have effectively also withdrawn—listen to this—the tuberculosis standard in OSHA which is so essential in order to protect people who have contamination in their lungs. We have seen the pensions of working families collapse over the period of the last 3 years.

What in the world has this administration got against working families? This seems to me to be symbolic of their attitude about working families: Let them eat cake. Let them eat cake. As the Senator has pointed out time and time again, it is the working families who have been the backbone of our economy historically when things have gone well and it is the working families who have taken the brunt when we have had mismanagement of the economy.

Does the Senator share my view? Is that a fairly good indicator of the kind of contemptuous attitude the administration has generally with regard to working families?

Mr. DASCHLE. Mr. President, the Senator from Massachusetts has put



his finger on the right word, "contemptuous." There was a contemptuous attitude on the part of this administration with regard to the importance of the minimum wage.

With regard to the importance of pension security, how many millions of workers have been adversely affected by the corporate governance scandals over the last couple of years? There is not one peep out of this administration when it comes to pension security.

How many millions of workers, especially those first responders, 8 million workers, will be affected by this ban on overtime pay? How many millions of workers are affected each and every day by the health and safety issues they continue to fight—ergonomics and a whole array of other issues, issues we have forced the Senate to consider over the years as we try to make the workplace a safer and healthier place for all workers?

On each and every one of these issues and many more, this administration has demonstrated a contemptuous attitude. I say it is the most antiworker administration we have seen, at least in my time in public life.

Mr. HARKIN. Will the Senator yield?

Mr. DASCHLE. I am happy to yield.

Mr. HARKIN. I thank the Senator from South Dakota for his strong support of working families not only on this issue but on every issue that comes up in the Senate. The Senator from South Dakota has always been there for working men and women and their families, as he is today. I thank the Senator from South Dakota, our Democratic leader, for his stalwart, strong support to make sure we have fairness and justice for our working families. I thank the Senator for his strong support for making sure these workers who are asked to work overtime get paid justly for that.

The Senator mentioned a number of the people to be affected, first responders and others. It has been said, and I ask the Senator to respond, that perhaps the first wave of people to be hit by the changes in rules and regulations would be women because so many women have come into the workforce in the last few years. Many of them are salaried and now they would be exempt, they would not get paid for overtime.

One of the first waves to be hit is nurses. Right now, we are facing a nursing shortage in our country. I know in South Dakota and Iowa and the Midwest we have a terrible nursing shortage. Nurses under the age of 30 represent only 10 percent of the nursing workforce. By 2010, 40 percent of the nationwide nursing workforce will be over the age of 50, nearing retirement. Right now, nurses are already forced to work mandatory overtime. Go to a hospital anywhere and you will find nurses being told to work overtime. The only good thing is they are paid time and a half now.

With these proposed changes, if they were to go into effect, I ask the Sen-

ator from South Dakota, since nurses are on salary, if they could be reclassified and they would then have to work mandatory overtime but they would not be paid for it; is that the Senator's understanding?

Mr. DASCHLE. Mr. President, the Senator's appreciation of the impact of this amendment on nurses is absolutely correct. I commend the Senator, again, for his extraordinary efforts and his leadership over the last couple of weeks. He has made me so proud. Every working person in America owes Senator HARKIN a debt of gratitude for his powerful articulation of their cause, as we have addressed this and other issues affecting employees, not just nurses.

In answer to his question, absolutely, nurses are affected because nurses often work extraordinarily long hours earning overtime. In fact, there is probably no category of workers today, at least in the health care field, more overworked than our nurses, in large part because of the shortage the Senator has addressed in his question. We have a chronic shortage of nurses in America, especially in rural areas and especially in South Dakota. Far too many nurses in South Dakota would be adversely affected by this regulation.

We have to recognize what a blow it would be to them. If 25 percent of their income is derived from overtime, we are taking away one-quarter of their purchasing power in one fell swoop by this regulation. That is why this is such a critical fight for us and why it is so important to make this case on this bill.

Mr. HARKIN. If the Senator will yield further for one more question, I thank him for his kind words on my behalf. I respond by saying I am fortunate to have good leadership, the leadership of the Senator from South Dakota and the Senator from Nevada, in carrying this fight forward. I thank both for their great leadership.

As I pursue this issue about women being affected, face it, most nurses are women. That is the way it is. They will be greatly affected.

Another figure we ought to look at—and I ask the Senator for his thoughts on this—in 1975, women who had children under the age of 3 made up only 34 percent of our workforce; today that is 60.2 percent. Over 60 percent of women with children under the age of 3 are now in the workforce.

I ask the Senator, is it true that these women—maybe not all but most of them—have to have daycare, some childcare, for their children? So now, these women who are paying a lot for childcare, if they do not have to be paid overtime under the proposed changes the Bush administration wants to make, would be forced to work overtime. Does that not mean they would have to pay even more for childcare than what they are paying now, yet they would not get one nickel more in their income to help pay for it? Is this not also what would happen to women under the proposed changes in the overtime proposal?

Mr. DASCHLE. I say to the Senator from Iowa, that is exactly the case. You do not need to be an accountant to realize the dramatic financial consequences this will have on so many working women but especially those who are faced with extraordinary childcare costs today. I am disappointed on that front.

I understand we will take up the welfare reform reauthorization tomorrow. I am told the childcare funding increase was cut from \$5.5 billion to \$1 billion in the markup before the Finance Committee. I am astounded that anyone could, with a straight face, say we want you off of welfare to work but we will cut your access to childcare under this legislation. So not only is the problem for working women reflected in this regulation but in the very legislation we could address as early as tomorrow in the Finance Committee.

This legislation cries out for fairness for working women, for those working two and three jobs just to make ends meet. There is no way we can pass the resolution we passed last Friday calling for a recognition of the American worker during the month of October and fail to recognize the importance of repealing this regulation before October even begins.

Mr. HARKIN. If the Senator will yield for one last question, last week I was talking to one of my colleagues on the Senate floor about my amendment, about this amendment, and about the impact on overtime pay. My colleague said: One of the strange things about this is that I have heard no big movement in my State. There is no uprising in my State about changing the overtime laws. I have not heard from business. I have not heard from workers. I got to thinking: You know, neither have I. I have not had any businesses in my State coming to me saying: Senator, we have to change these overtime laws. They are a terrible burden on us. We have to get rid of them. We have to change them. I have not heard them say that. Where does this come from?

I ask my fellow Senators, I ask the Senator from South Dakota, has anyone here been really lobbied hard by anyone in their States to change these overtime laws? Where is it coming from?

Mr. DASCHLE. I respond to the distinguished Senator from Iowa, Mr. President, that this resolution could have been written by a good employer because the good employers that you and I talk to in Iowa and South Dakota understand and agree with what this resolution recognizes.

Mr. HARKIN. The one we adopted last Friday.

Mr. DASCHLE. Yes, the one we adopted last Friday:

Whereas the quality of workers' jobs and the supportiveness of their workplaces are key predictors of job productivity, job satisfaction, commitment to employers, and retention.

Every good employer in South Dakota understands that. That is as clear

and as unambiguous a principle of good management as you will ever find. So is the next one:

Whereas there is a clear link between work-family policies and lower absenteeism.

So the Chamber of Commerce could write that. If we want to make sure we have low absenteeism, if we want to make sure we have high job productivity, job satisfaction, commitment to employers, and retention, what do you do? You tell those workers in more than just a resolution that their contribution matters, and that if we are going to ask them to work longer than a 40-hour workweek, we are going to compensate them for that.

We became one of the most productive nations in the world over the course of the last 70 years. Why? Because we had the most productive workers. Why did we have the most productive workers? Because there were enough businesses who understand those basic principles of good business.

That is all we are suggesting. Let's stick to those principles. Our country deserves no less.

Mr. KENNEDY. Mr. President, the Senator has been very generous with his time. I bring two matters to the attention of the Senator and ask whether he agrees; I have listened to the exchange between the Senator from Iowa and the Senator from South Dakota.

This chart I have points out that middle-income mothers are working 55 percent more hours today than 20 years ago. This chart shows 1979 up through 2000. We have seen this dramatic expansion of the number of hours that women are working in the workforce to provide for their families.

At the same time we are seeing this dramatic increase, we are finding out that there is a reduction in terms of overtime. As the Senator pointed out earlier, we are finding out that American workers—this column on the chart indicates the number of hours Americans are working in relation to other industrialized nations. So workers are working harder, they are working longer hours, they are more productive, and all they are asking is to be able to get decent pay.

But the question I ask the Senator is in relation to this particular chart. This is enormously interesting. Workers without overtime protections are more than twice as likely to work longer hours. If you take those workers who do not have overtime protection, they work more than twice as long as those who have the overtime protection.

If you take away this kind of protection, the word ought to go out to workers that they are going to have to work longer and harder for less pay because that is what is happening today. And that is what is happening for 40 hours a week. And for 50 hours a week, you work three times as long if you don't have any overtime protection than if you have it.

It is very clear that the Business Roundtable and others are correct as

they understand that by eliminating the overtime pay it is affecting the bottom line.

Earlier I heard the Senator talking about what is happening in terms of the police and the firefighters. I bring this chart to the attention of the Senator and see whether he agrees. This is from the National Association of Police Organizations. The Bush proposal would deny overtime:

Under such regulations, America's State and Local law enforcement officers, already strained by countless overtime hours ensuring community safety against terrorist threats, could lose this basic benefit accorded to them for their efforts.

This is from the International Union of Police Associations:

The alterations would also provide a strong disincentive for agencies and municipalities to hire additional first responders, as they seek ways to operate under the growing constraints of historic financial burdens.

The implementation of these rules would mark a critical step backwards for our public safety. . . .

I just wanted to reaffirm what the Senator said in his excellent comments about the impact this would have on women, the impact this would have on first responders, and the real threat and danger this poses to the hardest working men and women in industrial society. They are the American workers and they have the most to lose.

I thank the Senator.

Mr. DASCHLE. Mr. President, I thank the Senator for his contribution and for his clarity with regard to the impact this will have on the workers who he has again addressed, and women in particular.

The irony could not be more evident. As we praise the American workers' productivity, we take away their very right to fair and just compensation. We drive them into schedules that require even longer hours, away from their children, away from their families. We adopt resolutions lauding them—the American worker and the working family—for the entire month of October. Yet we can't take 15 or 20 minutes on a Tuesday afternoon in September to say that we mean what we say in October—we are going to make sure you get the overtime you deserve when you work over 40 hours. How bitter of an irony is that?

Then, perhaps the irony of ironies, as we turn our attention once again to the great tragedy of 2001, in just 2 days, we will come to the floor and we will speak with reverence for those who lost their lives. We will thank those who continue to put their lives on the line. We will express, in as heartfelt a way as I know everyone can, on Thursday, how grateful we are to the first responders, to the policemen and the firemen all across this country—in South Dakota, in Massachusetts, and every place else—and then turn right around and take away their overtime.

How, in Heaven's name, can we say to any of them, with any credibility: We care for you. We support you. We are grateful to you. But we just don't want you to pay you the overtime you have earned.

Let's not do that. The Senate, on a bipartisan basis, ought to rise above that kind of hypocrisy and say: We are not only going to support you next month, we are not only going to support you this Thursday, but we are going to support you every day—by simply supporting the law that has been on the books since 1938, the Fair Labor Standards Act. That is what this amendment is about, and that is why it is so important to many of us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, before he leaves the floor, I thank the distinguished Democrat leader for his comments and others for their comments. I was going to ask him a question myself, but I think our leader has already been standing on the floor for about an hour, so I will spare him that. I commend him for his eloquence on this issue and for his passion about it.

This is an issue that is befuddling, to put it mildly, to many of us. I have several amendments pending on the education bill. I would very much like to raise them on Head Start and on special education. We can't get there apparently because we can't get a vote on this simple proposition.

Not only are we not going to be able to vote on overtime this afternoon, but we can't even vote on whether or not we ought to do more on special education. We can't do something more on Head Start, title I, Pell grants. Here we are, coming in the midst of September, the waning days of the Session, with huge issues before us, and it is now the midpart of Tuesday—this started last week some time—and it would take, I suspect—and the Senator from Iowa is here, our leader; he can correct me—maybe another 15 minutes of debate and we could have a rollcall vote on this and move on.

I will take a few minutes to express my views, which are very similar to those expressed by the distinguished minority leader, as well as Senator KENNEDY, Senator DURBIN, Senator HARKIN, Senator BOXER, and others, on this matter. But I think it is a great tragedy.

I thank the leader for taking the time to express to the American public his great concern about this issue and the wonderment he expresses about why we can't even have a vote on this proposal. I thank him and I know he has a busy afternoon.

I want to share with my colleagues my own thoughts on this issue as well. I think it is remarkable. This is yet one additional bad decision after another when it comes to the economy.

We have seen what has happened regarding tax cut policy. I note an article written by Mike Allen and Jonathan Weisman in the Washington Post appearing this past Saturday, page A6, titled "Tax Cut Claims Gain Criticism As Employers Shed More Jobs." I won't read the whole article, but let me quote from it, if I may:

Before the latest tax cut plan passed, White House economists had predicted it would add 1.4 million new jobs through the year 2004, on top of 4.1 million jobs that a growing economy would have generated anyway, a rate of 344,000 jobs created a month. By its own accounting, the Bush administration has fallen 437,000 jobs short of its own projections in August, a shortfall not lost on the President's critics.

We have seen already tremendous job losses in this country. The minority leader mentioned a job loss of 3.2 million jobs; 2.5 million of those job losses have occurred in the manufacturing sector of our economy; 93,000 jobs lost in America in the month of August, up sharply from the 43,000 jobs lost in July. For the seventh consecutive month, companies have slashed pay-rolls.

So the economy, when it comes to joblessness, is cratering. The tax cuts that the administration jammed through the Congress only a few short months ago are already demonstrating what a hardship they pose to the recovery and to putting Americans back to work.

As I mentioned, 93,000 jobs were lost in the month of August; 44,000 of those jobs in the manufacturing sector. Just over 2.5 million manufacturing jobs have been lost in the last 32 months.

African Americans and Hispanics bear the brunt of the economic downturn. The unemployment rate among African Americans is now hovering around 11 percent, almost twice the national average.

The unemployment rate among Hispanics is almost 8 percent. Long-term unemployment is on the rise. In August, almost 2 million people had been unemployed for over 6 months, triple the number at the beginning of the Bush administration.

A surge in discouraged workers masks the true impact of the economic downturn. Currently, 1.7 million people are marginally attached to the labor force. About 503,000 of these workers have stopped looking for work altogether because they believe that no work is available for them. That is an increase of 125,000 over the past year.

A new study suggests that job losses since 2001 are gone for good. A study by the Federal Reserve Bank of New York has concluded that the vast majority of job losses since the beginning of the 2001 recession were the result of permanent changes in the U.S. economy and are not coming back. This means the labor market will not regain strength until new positions are created in new economic sectors. Manufacturing is the area that is suffering the largest brunt of this decision.

An additional 1.3 million people are in poverty nationwide. The number of Americans living below the poverty line has increased by more than 1.3 million in the last year, even though the economy technically edged out of a recession during the same period. The number of families living in poverty went up by more than 300,000 in 2002, and the number of children in poverty

rose by more than 600,000 in the same period.

We are heading in the wrong direction. On top of all that, we now have a decision being made by the administration to eliminate overtime pay. People in more than 250 white-collar occupations will lose their right to overtime. I won't list them all, but they include the critical areas of nursing, firefighting, police forces, emergency medical services, health technicians, clerical workers, surveyors, chefs, TV technicians, and reporters. Overtime pay will be eliminated.

I don't understand—in light of the news we are getting about the unemployment picture in this country and the hardships being faced, the rising level of poverty, the more difficult time families are having to make ends meet—why the administration persists in pursuing a policy of denying overtime pay. There was a very close vote in the House of Representatives. At least they voted. I am told the vote was 210 to 213 against blocking the President's proposed rule, so it was narrowly defeated by the Republican majority in the House of Representatives.

I want to know whether or not this body wants to confirm what the House and the President said they want to do. And should not the American public have the right to know what the answer of this body would be?

In 250 occupations, they want to know whether or not they are going to be able to get overtime pay. Overtime pay makes a huge difference for them economically. It can amount to as much as 25 percent of a worker's annual income. Denying 25 percent of someone's income at a time of already economic uncertainty is wrongheaded. It is dangerous for us to be pursuing that path.

I regret deeply that we will not have a chance to vote this afternoon on the administration's overtime proposal. We are faced with one more bad economic idea after another. We have the largest annual deficits in the Nation's history, one of the largest percentages of the gross domestic product, because they include, obviously, Social Security moneys in their calculations. We have lost more than 3 million jobs in the last 32 months.

Instead of working towards creating new jobs and helping working families and individuals, the administration has proposed a regulation to deny overtime protection to millions of people. These workers would have their jobs reclassified as professional, administrative or executive, even if their job duties do not change, thus losing the benefit of overtime pay. As I mentioned, more than 250 white-collar occupations could be impacted. Employees could be forced to work longer hours without the benefit of overtime pay.

I was speaking with a group of nurses in Connecticut. They were saying to me: We don't have the choice of not working additional hours in hospitals.

If an emergency occurs, or there are problems with patients, you are always asked to stay on a few more hours and help out.

And they do it. The idea that we would be asking these people to continue to provide the valuable services they do to sick individuals in our Nation's hospitals and not provide them compensation for doing so is truly outrageous. The same goes for our firefighters and police officers.

Senator BOXER had it right when she said earlier: You can well imagine in the next 48 hours or so the kinds of images we are going to have, a replay of the tremendous outpouring of gratitude being expressed to the police officers and firefighters in New York and Connecticut, New Jersey, and others who gathered to fight for the lives at the World Trade Center almost 2 years ago. Yet what expression of gratitude do we provide them 2 years later? We tell them: Sorry, but your overtime pay no longer exists. What kind of a message is that to these people?

Asking employees to work longer hours and not providing overtime pay is significant because overtime pay can provide as much as 25 percent of a person's annual income. This is not the type of balance between work and family that the distinguished Democratic leader pointed out when we adopted unanimously a resolution offered last week. I was pleased to cosponsor S. Res. 210, a bipartisan resolution supporting striking a balance between work and personal lives as being in the best interest of worker productivity.

I find it terribly disheartening that at a time when this body is asking the President to designate October as National Work and Family Month, the administration is working to finalize a regulation to strip overtime pay for millions of people.

The 1938 Fair Labor Standards Act has been the backbone of worker protection. Never in its 65-year history have such sweeping overtime changes been proposed.

Hard-working individuals are deeply concerned about these changes and many of us here stand shoulder to shoulder with them in expressing our outrage. It is unfortunate that we are not going to be able to have a vote today in this body on whether or not we can overturn that decision.

I also find it ironic that the President suggested he would veto the underlying appropriations bill on education and health services if this amendment is accepted. In fact, an August poll of nearly 900 adults found that 74 percent—cutting across all regional and political lines—oppose the Bush administration's proposal to eliminate overtime protection. Almost 75 percent of those polled said don't do it.

Further, in 2001, the Department of Labor commissioned its own study that concluded that the current narrow overtime exemptions under the Fair Labor Standards Act are still relevant today.

Why then did the Bush administration unveil these proposals last March? One can only conclude that whatever the reasons, they do not include supporting the ability of working people to earn a decent pay for a day's work.

Mr. GREGG. Mr. President, will the Senator yield for a question?

Mr. DODD. I will be happy to yield.

Mr. GREGG. The Senator made two points. First, on the issue of police officers, fire individuals, and first responders, I believe the administration and the Department have made it very clear that those officers would not be impacted by this decision in any way and, in fact, to quote the President of the Fraternal Order of Police, the largest police union in the country representing 310,000 people, Chuck Canterbury, said:

Thanks to the leadership of Secretary Chao, we have no doubt that the overtime pay will continue to be available to those officers currently receiving it. And if the new rules are approved, even more of our national police officers and firefighters and EMTs will be eligible for overtime. This development was possible because this is an administration that listens to the concerns of the Fraternal Order of Police and because of their commitment to the Nation's first responders.

The Senator from Connecticut represented a couple of times how police officers are going to be denied overtime pay. This is the president of the largest representative group of police officers in the country saying just the opposite. The Department has said just the opposite. The administration has said just the opposite. I am wondering what factual basis the Senator concludes that the head of the police, the National Fraternal Order of Police, is wrong; the Secretary of Labor is wrong; and the administration is wrong on this point?

Mr. DODD. Mr. President, very simply, as my colleague pointed out, I would be delighted if the administration was going to change its policy. I wish they would do it across the board, just back this up all together.

The fact is, if you do a simple recategorization of what these people do as either being professional, administrative, or executive, then you are covered under this rule. I don't know what the various heads of these organizations are saying, but that is what the regulation that has been proposed by the administration says. Within the 250 employment categories, police and firefighters are included, if they are recategorized. If you do not recategorize them, they are going to be fine. But you leave that up to the whim of whether you want to move them to those different levels of pay. That is how they get covered.

Mr. GREGG. Will the Senator yield for a further question?

Mr. DODD. I will be happy to yield.

Mr. GREGG. Mr. President, I tend to side with the head of the National Fraternal Order of Police in his assessment of this situation and the commitment made by Secretary Chao that the police officers, fire individuals, and

EMTs will not be impacted. It has been made very clear the regulation has no impact on them, and I think it is just not correct to make that statement, although I can understand the Senator can read the regulations and has concluded that, but nobody else has.

Mr. DODD. Mr. President, let me respond to my friend. The National Association of Police Officers and the International Union of Police Associations oppose the regulations. We have correspondence from them. There is obviously some disagreement.

Mr. GREGG. Opposition is not the issue. The issue is whether police officers, fire, and EMT will be affected. I believe the administration made it clear they won't be affected, and I believe the assessment, as reflected in this quote from Mr. Canterbury, is accurate.

My second question is on the issue of nurses because the Senator also said all nurses would be affected. I am sure, as the Senator knows, nurses are already exempt from the FLSA, and to the extent nurses are affected by overtime, it is because of a contractual agreement in their union contracts. As a practical matter, therefore, the vast majority of nurses who are subject to union contracts will have no impact on their overtime, and there is no adjustment here in any way to the nurses of this country, as again has been made clear by the administration and again reflects the fact that the present law is in place and that nurse overtime is tied to contractual agreements, not to FLSA regulations.

To throw the nurses in—and I can go down, actually, the whole list. I could go down to cooks, reporters, clerical workers, teachers, physical therapists, lab technicians, social workers—all these individuals who have been put on the Senator's list actually are not on the list. They actually are not on the list.

Mr. DODD. Mr. President, let me regain my time and respond. I appreciate my colleague raising these questions. I ask unanimous consent that letters from the International Union of Police Associations and the National Association of Police Organizations, expressing their opposition to the regulation, be printed in the RECORD.

INTERNATIONAL UNION OF  
POLICE ASSOCIATIONS, AFL-CIO  
Alexandria, VA July 25, 2003.

U.S. SENATE,  
Washington, DC.

DEAR SENATOR: In the very near future, either an amendment, or a stand-alone bill, will be brought forward in the Senate which will seek to restrict the Department of Labor (DOL) from implementing any regulatory rules changes in the Fair Labor Standards Act that would remove workers' overtime rights. It would not interfere with the Secretary's ability to expand overtime protections for low income workers. On behalf of the International Union of Police Associations (IUPA), representing more than 100,000 active duty, rank and file law enforcement officers from across the country, I urge you to support this effort.

On March 31, 2003, the DOL's proposed rule changes were first published under the guise

of expanding overtime rights to lower paid employees. These rule changes, if implemented, would dramatically alter the classification of workers who could be exempted from the provisions of the FLSA and the 40-hour work week. These changes would reduce the compensation for our nation's police officers and EMS personnel, just as we are routinely calling on them to do more and more in the interest of national security. The alterations would also provide a strong disincentive for agencies and municipalities to hire additional first responders, as they seek ways to operate under the growing constraints of historic financial burdens. The implementation of these rules would mark a critical step backwards for our public safety officers, just when we need to be moving ahead.

IUPA has been closely following the events surrounding these changes. We consider this legislation to be the most important single issue we face. Its critical impact on rank-and-file law enforcement officers throughout the country makes it a true litmus test, when it is time for us to decide who truly supports the men and women who form the thin blue line. We intend to carefully note and announce to our membership those who are willing to stand with our nation's police and firefighters with their votes. Whatever form this struggle takes, I hope we can count on your support. If you or your staff desires any additional information from IUPA, I hope you will feel free to call upon us.

Very Respectfully,

DENNIS SLOCUMB,  
International Executive Vice President.

NATIONAL ASSOCIATION OF  
POLICE ORGANIZATIONS, INC.,  
Washington, DC, July 14, 2003.

DEAR SENATOR: The full Senate will soon consider the Labor HHS Appropriations Bill, S. 1356. On behalf of the National Association of Police Organizations (NAPO), representing 230,000 rank-and-file police officers from across the United States, I would like to request your support for an amendment to S. 1356, which will be offered by Senator Tom Harkin (D-IA) and will safeguard the ability of millions of Americans, and America's law enforcement officers, to continue to earn overtime pay for their professional efforts.

On March 31, 2003, the Department of Labor issued a proposal which called for significant alterations concerning the ability of law enforcement officers to receive hard earned overtime pay. Under the Fair Labor Standards Act of 1938, most workers, including law enforcement officers, are entitled to overtime pay for excessive time worked. The Department's proposal dramatically lowers the bar for employers to classify employees as "executive, administrative or professional," thus exempting them from paid overtime status.

If allowed to go into effect, these proposed regulations will have a tremendous impact on workers who depend on overtime pay, not as an added frill, but as a necessity to ensure the promotion and well being of their families. Under such regulations, America's State and Local law enforcement officers, already strained by countless overtime hours ensuring community safety against terrorist threats, could lose this basic benefit accorded to them for their efforts. These proposed regulations have seen no hearing nor achieved any legislative approval.

The Harkin Amendment will protect these benefits and only blocks the expanding of exemptions for those who are currently eligible for overtime, while not blocking efforts to expand overtime eligibility for more workers. I hope you will support the amendment and ensure these hard earned benefits. If you

have any questions, please feel free to contact me, or NAO's Legislative Assistant, Lucian H. Deaton, at (202) 842-4420.

Sincerely,

WILLIAM J. JOHNSON,  
*Executive Director.*

Mr. DODD. Mr. President, I will address both points my colleague has raised. If my colleagues on the other side are so concerned about first responders, why not just oppose the regulation altogether because this is the major group about which we are talking. For example, let me point out what I am suggesting.

Police sergeants and lower-level police supervisors are likely to lose their overtime through the executive exemption. Let me explain why.

The fact that a sergeant performs nonmanual work such as walking the beat during 90 percent of his work hours does not matter if he also has a primary duty of supervising two officers or performing nonexempt administrative work.

Highly compensated police officers will not even have to have a primary duty of performing exempt work. If they perform any "office or nonmanual work" and perform any one exempt duty of an executive, administrative, or professional duty—no matter how little of their time is spent doing it—they lose the right to overtime.

How much imagination does it take to move people into those categories to be exempt from overtime compensation?

Police departments have been prevented from exempting police officers who teach in police academies because the instructors did not exercise sufficient independent judgment and discretion in how they taught their courses. The proposed rule eliminates the requirement for independent judgment and discretion.

Under the current law, an exempt executive is an employee "who customarily and regularly exercises discretionary powers; and who does not devote more than 20 percent . . . of his hours of work in the workweek to activities which are not directly and closely related to the performance of [exempt] work. . . ."

Under the proposal by the President, those current law requirements are eliminated.

Let me address the nurse issue. Nurses, skilled health technicians, and technologists could lose their overtime protection under the proposed regulations because of the changes to the educational requirement.

Registered nurses who do not hold a bachelor's degree are currently eligible for overtime protections, unless they hold administrative or managerial positions.

Under the Bush proposal, these RNs would lose their overtime protection if they have a few years of work experience.

Nonmanagerial licensed practical nurses—LPNs—have a right to overtime protection under current law.

Under the administration's proposal, LPNs with a few years of work experience would also lose their right to overtime compensation.

Let me read current law and then read the regulation proposed by President Bush.

The current law:

Employees are exempt if they do "work requiring knowledge of an advance type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes."

Under the President's proposal:

Employees qualify for exemption as a learned professional if they have a primary duty of performing office or nonmanual work requiring advanced knowledge in a field of science or learning customarily acquired by a prolonged course of intellectual instruction, but which may also be acquired by an equivalent combination of intellectual instruction and work experience.

That is very broad, very general language. Obviously, one can drive a Mack truck through it. That is why the nurses of this country, the RNs and LPNs, are vehemently opposed to this proposed regulation, because they know exactly what is going to happen, just as police officers do. That is why so many of us feel so strongly about this and why we would like to vote on it.

If a majority wants to uphold the President and vote for this stuff, then so be it; the Administration can go forward and it will become the law of the land. But I would like to know where 100 Senators stand. America would, too. As I mentioned, nearly seventy-five percent of the people polled in a recent survey said they are opposed to the administration's proposed rule. Let's find out where this body is. I think the proposed rule to eliminate overtime pay is wrong and I support the Harkin amendment. I hope that we will have a vote soon and I urge my colleagues to support the amendment.

I yield the floor.

THE PRESIDING OFFICER (Mr. CRAPO). The Senator from New Hampshire.

Mr. GREGG. Mr. President, I always enjoy the eloquence of the Senator from Connecticut. I am a great admirer of him as a legislator and as a colleague in this body, but I must disagree with his analysis of what this proposed regulation does.

Let's begin with the fact that this is a proposed regulation. That means it is not final. It means the Department is still in the process of adjusting it, of building it, of designing it. They have received 80,000 comments.

The approach of the other side of the aisle is to say we do not care what the 80,000 comments were; we do not care what the process is for regulatory review. We are going to step in, and we are going to unilaterally decide that a law that has not been adjusted in over 30 years is a good law, shall be law, and

shall never be changed. It makes very little sense.

When this regulation was initiated, America was an entirely different country. It had a different employment structure, different individual types of responsibilities within the employment structure. We had jobbers. We had people who were working on the line as the primary responsibility of our manufacturing structure. Today we are a much more mobile society. We are a much more dynamic and flexible workplace. We are a workplace which reflects massive change in the way we compete and are successful as an economy.

Yet a law passed 30 years ago does not keep up with those changes. It has not adjusted to the change in the workplace that has occurred as a result of the information age coming to fruition. It does not reflect the fact that so many people who work in the workplace today earn a heck of a lot more than what they were paid under this law when it was originally passed.

On the face of it, the administration has done a job of trying to address low-income individuals. They have said under the present law that if someone earns \$8,000 or less, they can get overtime by law. Well, that is ridiculous. That is a ridiculously low number.

What this administration has said is if a person earns \$21,000 or less, they will have the right by law to get overtime. It does not matter how their job is classified; they have the right to overtime. That is a very reasonable approach. Basically, it empowers an additional 1.3 million people in this country who will automatically be qualified for overtime who are not qualified for it today because of this absurdly low threshold which was placed in law over 30 years ago. That is the type of reason we need to revisit this type of regulation.

It is also important to recognize that there is a huge debate over who is and who is not covered in this law. A think tank—and we have a lot of them in this city and they are all very aggressive—which is essentially funded by the national Washington labor movement came up with this number of 8 million. So I have kept asking my staff: Well, how did they get to 8 million?

The Department, which used outside counsel, outside consultants, and a bevy of outside experts in this law, and economists, came to the conclusion that this will give 1.3 million people overtime and it may affect somewhere between 600,000 and 700,000 who might lose their overtime under this law. They decided that that trade-off was worth it, first because on the plus side more people would be getting overtime than not, but secondly because the law has become so convoluted, so complex, and has such a large gray area—as one moves into the higher income brackets, people up around \$65,000—that we basically created a lawsuit mentality in the area of the workplace relative to overtime pay questions.

In fact, this is the fastest growing area of lawsuits for trial lawyers. This is sort of the new oil field they have struck. You know how sometimes we strike oil fields in Kansas or in Saudi Arabia or in the North Slope. Well, this is the new oil field that the trial lawyers have struck, which is the inconsistency, the confusion, of the overtime law. It has become the new gusher for one element of the bar.

The Labor Department said: Let's try to straighten these regulations, get some order to them, make sense of them. Did they do a perfect job? No, they did not. That is why 80,000 comments came in. I do not subscribe to this regulation as it is presently structured. I think it can be improved and I think the 80,000 comments are probably going to significantly impact the way the Department of Labor addresses this regulation, but I do not think we should short-circuit the process and suddenly say no, it does not work.

If it is such a bad regulation when it finally comes out, we have the ability in this Congress, as we are now proceeding to do under the proposal of the Senator from North Dakota in the area of FCC ownership, to bring to the floor an amendment on a privileged resolution within a very short period of time that only requires 36 signatures. We have to bring it to the floor, we have to debate it for 10 hours, we have to vote on it, and then we can repeal this. We ought to at least give the process the ability to move forward to see if we can straighten out some of the fundamental flaws of this law which have over the years evolved to a point where we basically have created a new gusher for trial lawyers but very little constructive, efficient, market-oriented events for the productive side of our community, which is the workers.

To get back to the question of how many people are impacted, as I said, the Department of Labor came up with their numbers which were independently evaluated, independently reached, and which were certified essentially by people who understand and who are expert in this area. Where did this 8 million number come from, that we have heard bandied about as if it had been sacrosanct, delivered to us from the mountain on high, by some tablet that said 8 million workers are going to be impacted?

This number came, as I mentioned, from some think tank in Washington, which think tank is funded by an interest group which has a very significant role in this debate, which is the major labor union leadership in Washington. It was put together not by a group of economists, not by a group of experts in this law. It was put together by two individuals whose expertise in this law is new, to be kind. I think one has a social worker's degree and the other has some sort of other degree, but they are not recognized national leaders in this area.

They did not support their findings with anything that was substantive.

They just sort of picked a number, 8 million. They picked that number, it appears, without, one, understanding the regulation as it was proposed, two, maybe stretching it as it has been proposed, or, three, just simply fabricating the number in the sense that the number has no relationship to anything the regulation actually says.

Let's begin with the biggest fabrication in their proposal of 8 million, which is that they have included part-time employees. Now, how they can include part-time employees, which is probably about 6 to 7 million of the people they added to the 8 million—I do not know the number because they did not attach a number to it, but part-time employees is a big number in our society—is beyond me when we are dealing with a law that requires someone to work 40 hours a week before they can get the overtime. By definition, a part-time employee is not kicked into overtime except in that rare case where they decide to become a full-time employee, and then they should not be counted as a part-time employee under this proposal.

So right off the bat, that 8 million is extraordinarily suspect as to the vast majority of the numbers in that 8 million.

Then we go down to the other folks they added to their list, and we begin with the firefighters. Independent of what my learned friend on the other side of the aisle says, the fact is it has been made very clear by this administration, by the Secretary, and by the people who are involved in the drafting of this regulation that firefighters—firemen and first responders, such as EMTs—will not be impacted by this language. That is why, I presume, the national chairman of the organization, the Fraternal Order of Police, has essentially signed off and said that is the case.

I submit, since we are submitting materials, a release from the FOP, which is entitled "F.O.P. Confident of Satisfactory Resolution on DOL Overtime Regulations," and ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

F.O.P. CONFIDENT OF SATISFACTORY  
RESOLUTION ON DOL OVERTIME REGULATIONS

Today, National Fraternal Order of Police President Chuck Canterbury announced his full confidence in the success of the F.O.P.'s efforts to protect the right to overtime pay for more than a million public safety officers across the nation. Following a productive dialogue with U.S. Department of Labor (DOL) officials regarding the proposed changes to the rules governing overtime compensation, Canterbury asserted that the issue would be resolved to the benefit of our nation's public safety officers.

"Thanks to the leadership of Secretary Chao, we have no doubt that overtime pay will continue to be available to those officers currently receiving it and, if the new rules are approved, even more of our nation's police officers, fire fighters and EMTs will be eligible for overtime," Canterbury said. "This development was possible because this

is an Administration that listens to the concerns of the F.O.P., and because of their commitment to our nation's first responders."

On 31 March, the Department of Labor published a Notice of Proposed Rulemaking in the Federal Register to revise and update the exemptions from overtime under the FLSA for executive, administrative, and professional employees. The F.O.P. was the first union to weigh in on behalf of America's law enforcement community regarding the proposed change and recommended the exclusion of all public safety personnel from the Part 541 or "white collar" exemptions from overtime—including those employees who are classified as exempt under the existing regulations. The organization argued that the exclusion of these employees was necessary because of the increased burdens placed on public safety officers following the terrorist attacks of 11 September 2001.

"Since the beginning, it's been clear from our dialogue with Secretary Chao and Department officials that it was never their intention to cut overtime for public safety employees," Canterbury said. "So we decided early on that the interests of our members could best be served by working cooperatively with the Department. While others saw an opportunity to demonize this Administration, we chose cooperation over conflict, partnership over partisanship."

Canterbury also noted that it was this spirit of cooperation that led DOL to agree that public safety officers should not be classified as exempt under the proposed regulations. "To the F.O.P., this was never a partisan political issue," Canterbury said. "Instead, it was a chance to make things better for police officers and their families."

"Thanks to the dialogue between the F.O.P. and the Department, we are confident that when the final regulations are issued, that overtime pay will be available to even more public safety officers in the country than under current regulations," Canterbury said. "What we have accomplished by working together will be arguably the most significant victory for public safety officers in decades."

In a recent speech at the organization's 56th Biennial National Conference in Providence, Rhode Island, Labor Secretary Elaine L. Chao praised the F.O.P.'s work on the issue. "The bottom line is that Chuck Canterbury and the F.O.P. are known for bringing facts and constructive solutions to the table," Chao said. "That's why you are respected, that's why you get results, and that's why police officers trust the F.O.P. to look out for their interests."

On 1 September, Canterbury also traveled with President George W. Bush to a Labor Day event at the Ohio Operating Engineer's Richfield Training Center in Richfield, Ohio, where the President spoke on jobs and the economy. Traveling with key Administrative officials afforded President Canterbury the opportunity to continue the dialogue on this important issue.

Canterbury concluded by clarifying what the new rules, if adopted, will mean to rank and file officers across the country: "Basically, if you get overtime pay now, you're going to keep it. If you're currently exempt from overtime pay, you may be getting it very soon."

The Fraternal Order of Police is the largest law enforcement labor organization in the United States, with more than 310,000 members.

Mr. GREGG. That is a big chunk, but how many police officers and firefighters and EMT workers they included in that number, I don't know. I would not be surprised if, of the million



or million and a half or maybe 2 million who were not part time who were included, it is probably close to about half that. I don't know because this report did not have the integrity to put the numbers on their people.

They also included nurses. As we just had this little exchange, nurses are already exempt from FLSA. The reason for that is they are deemed to be essentially professional as a result of their training experience. The present law is fairly clear in this area. I believe I have it somewhere here. Basically it makes it very clear that nurses are not covered by FLSA. The reason nurses get overtime is because the vast majority of nurses reach a contractual agreement in their union negotiations which gives them overtime. Those are not going to be changed, obviously. As a practical matter, nurses should not be included. So there you have another, who knows, 200,000-plus people who were added to this 8 million number, which is bogus.

Then you have cooks. There is a difference here on cooks. There are chefs, professional chefs—yes, they would probably lose overtime, or be suspect, or have that as part of the compensation, depending on whether they have a union contract. The 4-year culinary school graduate who is a professional chef who manages a kitchen, that person is probably going to have to negotiate their overtime independent of these rules. But there are not any other cooks who are going to be covered. The fellow working down at the local diner or the persons working in a restaurant are not going to be covered by this law because they are clearly not exempt individuals. The vast majority—who knows, probably 90 or 95 percent—are not going to be exempted and will continue to get overtime.

So you have a number, however, that was included, which I believe is all the cooks. At least that is the implication of the language. Probably another 200,000 people are in that category of work.

Reporters—this is another one listed by my colleagues across the aisle. All reporters are going to lose their overtime. That is a fight reporters have been having for a long time. That is a fairly public fight, whether reporters are professionals or not professionals. I guess every reporter has to get up in the morning and look in the mirror and decide whether they are professional. But those who decide they are not professional who want overtime are going to have to negotiate their union contracts for that, probably, because as a practical matter that reporter issue is being settled in the court system.

How it breaks down is very much an issue. But it certainly is not going to be affected by these regulations. It is already decided in large part by court decisions and will continue to be so. So to throw reporters in here is again a very bogus figure.

Clerical workers clearly are not going to be covered. The vast majority

are not going to be covered, vast majority are not going to be covered by this regulation nor will it have any impact on their overtime.

Teachers are entirely exempt by law already from FLSA. To put teachers on the list is again misleading. It either reflects a lack of knowledge of how the law works or an intent to try to inflate the number. Teachers clearly get overtime, but it is a function of their contract negotiations, not a function of FLSA.

The same goes for physical therapists, lab technicians, and social workers. In all these categories the vast majority of people who fall in the last three categories are not going to be impacted in any way by this proposal—by exemption, but will continue to get coverage for overtime activities or will pick it up through their union contracts, many of them being unionized, especially social workers, for example.

As a practical matter, what we have here is a grossly inflated number which has no economic or statistical support behind it, which has virtually no law support behind it, especially in the biggest categories—part time, police, fire, first responders, nurses, and teachers. And as a result, this number of 8 million which we keep hearing thrown out on the floor is a bogus number. It is a completely bogus number.

The real number is probably closer to what the Department had assessed by outside counsel, by outside review, and which shows a plus. In other words, it shows more people are going to get overtime out of this regulation change than have the potential of losing overtime under this regulation change.

Does that mean it is perfect? Of course not. There are ways to improve it, as I mentioned when I started, with 80,000 people commenting on it. But this issue is clearly not ripe for this Senate to be acting on it. Let's wait and give the Department a chance to review the options, review what it hears from the various people including, I think, some very cogent and thoughtful comment that came in from some of the major labor unions that are concerned about this. Although if you are in a labor union, by definition you are probably not going to be impacted by this law. But as a practical matter—you may be. As a practical matter, there was cogent, thoughtful comment put forward. There were 80,000 comments. Not all of them, I assume, were cogent and thoughtful, but a great deal made some thematic sense. Let's allow the Department to sift through this and update a law or regulation that has been on the books for 30 years and really does need updating. We are a different society. We have a different work structure now. We have a much more flexible and educated workforce, a highly technical workforce, a value-added workforce. We need to have an overtime law which reflects and answers the needs of that workforce, not the needs of a workforce in 1950 or 1960.

I simply say it is premature to be going forward with this proposal at this time. Let's wait until the final regulation is passed. It is extremely inappropriate for us to be going forward on the basis of a number which is being used as the bludgeon for pushing through this amendment, this 8 million figure, which is totally inflated and, in my opinion, clearly bogus and inaccurate, especially if you compare it with the hard figures which were brought forward by the administration on this proposal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, before my friend leaves the floor, and I don't want to keep him waiting while I make my statement, I think he made some interesting points. As he knows, I generally have great respect for him. But some of these things sort of don't pass the smell test. I ask the rhetorical question: Does anybody in here believe this administration is changing work rules in order to be able to pay more people overtime?

Let me say that again. Does anybody believe the Secretary of Labor, and this President of the United States, backed by the Chamber of Commerce and many other decent, honorable business people as their core supporters, is trying to change the law to give more people access to overtime?

Mr. GREGG. If that is a question which the Senator has presented, which I think was rhetorical in its nature?

Mr. BIDEN. I would be happy to have you answer it.

Mr. GREGG. By definition, this administration has shown it intends to give more people overtime. It has said people now earning up to \$21,000 will be guaranteed overtime. Under the present law, if you are earning up to \$8,000 you are guaranteed overtime, but between \$8,000 and \$21,000 you can be doing a number of jobs in the country which deny you overtime, where your employer can say, I am sorry, we are not going to pay you overtime because you happen to be an exempt employee. Under this proposal from this administration, over 1.3 million people will be getting overtime they would not get under the present law because the threshold goes up to \$21,000.

I appreciate the Senator's question.

Mr. BIDEN. I am delighted to hear that. I am glad to see the President has had an epiphany. I find it absolutely fascinating. I come from a corporate State. I come from a State where business is a great citizen and they are very active. I have never had one small businessman, I have never had one large businessman, I have never had one come and say: You know what the problem is here, Biden? You Democrats are denying people overtime. We want to expand that contract made in the thirties between labor and management to make sure our workers who are not getting it get overtime.



As they say in the neighborhood I come from, give me a break. Give me a break.

I am going to go to my formal statement in a moment. My friend from New Hampshire made a couple of very important points that are accurate, but draw exactly the wrong conclusion. He said that, in effect—my words—the social contract we entered into 30, 40, 50, 60 years ago with American workers said if you engage in manual labor, you will be rewarded for your efforts. We the American people, we the American Government value manual labor. We value what you have done to build this country. We are going to make sure that you get treated fairly. One of the things they said that related to being treated fairly was that nobody should have to work more than 40 hours. That was a judgment made. In Germany, or in France—I don't know which one it is—they say you only have to work 35 hours, and there is a debate about whether it should be 40 or 50 hours.

We made a deal as a nation. We said: Look, if you work more than 40 hours—those of you who do manual labor—you ought to be compensated time and a half for doing it—just like you work on Sunday. They say that is a day of rest. Most contractors say if you have to work Sunday, we will pay double time. That was the deal we made.

As my friend points out, there are not many manual labor jobs left in America. We have exported them overseas—or the bulk of them overseas. We made it easier for business to take all those manual labor jobs and send them overseas. This is a different world. We have now become a service economy. We have a lot less people doing manual labor. What was the underlying rationale as to why we were going to pay people overtime? We were going to pay overtime not to those who did manual labor. That is what it happened to turn out to be. We said we are going to give people overtime if in fact they are in the workplace and they don't have control over their destiny. They do not get to determine the work rules. They don't get to decide how much longer they will keep the lathes going. They don't decide whether or not they work on Saturday or Sunday. It is about control.

The underlying rationale was we said workers who by and large were manual laborers and do not have a say in their work conditions, do not have a say in how they function, do not have a say in whether they start at 8 or 10 in the morning or 4 in the morning, do not have a say in when the shifts run, and do not have a say in whether or not they get a window outside their work space, we are going to pay those guys something when we ask them to work more than 40 hours.

But for those folks who have a say, and those folks who have some control—theoretically white-collar workers, people who get a room with a view, people who have some say on whether or not the boss starts the shift or opens

the door at 8 in the morning or 4 in the morning or 10 in the morning, and those folks who are more like management—they have a say and we are not going to compensate them. Their compensation is in effect because they have a say.

As a former Governor of California used to say, there is psyche remuneration for being white collar.

Just like around here, I get to pick my office. I get to decide whether I have a room with a view. I get to decide to have a more commodious work space. The person who works for me who happens to be answering the mail doesn't get that decision. If I put the mail room in a place where there is no window, as long as it meets OSHA's requirements, they work. Guess what. Hang on everybody. For those of you who ain't management, you ain't going to get overtime anymore when the boss says: By the way, show up. I have an election. You get overtime now. You all get overtime. Get ready.

At any rate, the point is this: It is about control.

My friend said the world has changed. It is a different economy than it was in the 1950s and 1960s. That is right. But if it is based upon the premise of control, which is the underlying rationale for the Fair Labor Standards Act, I would argue my friend from New Hampshire is right. The world has changed. But guess what. White-collar workers don't have control now. As we move to a service economy and white-collar workers, we don't have people digging ditches. We don't have people lifting lumber. We don't have people moving heavy equipment. They are still there, but we have white-collar workers who wear blue collars and who are in high-tech industries and industries that are the service economy—who work in restaurants and work at all these other places—who, in fact, still have no control.

Let me ask you a rhetorical question. Am I missing something here? Every single survey I have read during the last decade asking about satisfaction that American workers derive from their jobs—am I wrong or have all those surveys come back and said there is less satisfaction?

We are not allowed to talk to the galleries. So I am not going to.

But I wonder whether people watching this or sitting in the galleries as I ask a rhetorical question will ask themselves this: Am I satisfied in the workplace? Do I feel my job is rewarding? Do I have any element of control over my job?

The funny thing I have found is whether they are a DuPont engineer or a chemist or an analyst at a brokerage house, they are all afraid they are going to show up one day and find that the company has been sold and they don't have a job. They don't have any control. Guess what. They don't have much.

I agree with my friend. The world has changed. But the values haven't

changed. The value we are operating on is that people who do not get much say in how and when and where and under what conditions they work when you ask them to work more than 40 hours should get paid overtime. The fact that there are fewer people wearing sweatshirts and sweating as they perform their jobs is not the issue. How many of those folks in the new service economy have any more control over their jobs than those folks who did manual labor 40 years ago?

That is the first point I want to make.

The second point I want to make to my friend from New Hampshire, who is a very bright guy—I am not being solicitous; he really is.

The second point I make, I agree. He says there is more flexibility in the workforce. I will make a bet. I will make the staffers and my Republican colleagues a bet. I bet if they go out tonight, as they stop in the grocery store or stop to pick up the bottle of milk, or if they are single, stop at the local watering hole to commiserate with their colleagues, ask the following question to whomever they encounter: What does flexibility in the workplace mean to you? Although I have never done this, I make a bet the answer everyone gets is the following: It means my boss can fire me when he wants. It means I have to work part time. It means I am flexible, but they do not have to pay health care. It means I do not have to get benefits I used to get when it was not so flexible.

Flexibility does not translate into control. It does not translate into you being able to determine, in effect, compensation for being asked to stay longer, the environment in which you work or the circumstances in which you work. Flexibility translates to most American workers as flexibility for the boss to tell me I am part time.

My friend did point out part time. I am not going to get into a debate whether it is 8 million or 1.3 million. That is focusing on the trees and not the forests. What is the big picture, folks? The big picture is my Republican colleagues have a very different set of values than I have. They are good people. They are decent people. I am not impugning their motive, but they have a different value set. I think the basic principle is if, in fact, you work in a circumstance where you do not have much control over your environment, and I ask you to work longer than 40 hours, you should have to be paid overtime. That is a basic fundamental value. To me it is simple.

What has this President done? He is a decent, honorable man. What has he done? He has a very different view of American labor and the rights of American labor. Look at his tax structure. All our existence in this last century and the beginning of this century, what was our tax structure designed to do? It was designed to treat the guy and woman who make their living using their hands the same way as the guy who makes his living using his head.

We did not make a distinction in this country based upon whether you pay taxes—until now. What has this administration said now? It depends whether you have—and it is a fancy term—earned income or unearned income. All those listening to me know the difference. Earned income means when you receive a salary, basically. Unearned income is when you have a return on an investment.

What have we done in trying not to tax dividends? We have said, if you sit in your living room, in your home library, in your corner office on the 67th floor, wherever you sit, and you manage your investments, you do your work with your brain alone trying to figure out how to best place the money you have to get a return, if you make money, if you make that week \$1,000, then we are not going to tax you. But if you run a piece of heavy equipment, digging out the World Trade Center, and you make \$1,000 because of your hourly wage and your overtime, we are going to tax you. Ain't that sweet?

This is the administration—my friend from New Hampshire wants me to believe—that is changing these rules in order that more people will get overtime. That does not pass the laugh test. Look, even the stenographer knows I am telling the truth. It does not pass the laugh test. Let's get real here, OK.

There is a sound philosophic argument for the position of the Republicans based on a different value set than I have, but it is sound. They argue the reason why you shouldn't tax the guy who doesn't break a sweat is because he will provide the liquidity, the pooling of money out there from which people can borrow money, make investments, cap investments, to put guys like my dad to work when he was alive. God love them being so concerned about my dad. But that is a legitimate argument. And what they say is, we value that effort, because it is a more societal consequence, than we value the guy sitting behind a crane or a heavy piece of equipment because we will tax him, but we will not tax the guy who creates something of greater value. He does not break a sweat. He does not put his body at risk. He puts his money at risk.

Now we are creeping into a two-tiered notion of what is the most valuable thing to be compensated in this country. It is a legitimate argument with which I fundamentally disagree. Make no mistake about where those guys are coming from. Don't try to tell me they are trying to help my brother, the laborer. Don't try to convince me they are trying to help the average middle-class guy. Don't try to tell me they are trying to create wealth among those who are raising their kids in split-level homes and trying to pay for tuition. Don't try to tell me that. They are trying to do that indirectly because if you let the big guy have more money, he will take a greater risk and he will invest it and maybe employ

that man or woman in the \$100,000 split-level home with three bedrooms and four kids. But for God's sake don't tell me that is their major concern.

This is about values. It is obvious this administration does not have the same value set, at least speaking for myself, that I have, or that we have had, or value the social contract in effect that we fought over all during the teens, 1920s, and 1930s, and began to put into place in the 1940s, 1950s, and 1960s.

The nature of the economy has changed, but the nature of those who have control and do not have control has not changed. That has not changed. Those numbers and proportions have not changed. This is not fair. But it is consistent. It goes back to the trickle-down, bubble-up disagreements, a very simplistic way to show the differences between our parties. We think average folks can actually make decisions for themselves. We think they can actually and should be rewarded for what they do. That will generate economic growth. They think, no, let the wealthiest among us make those judgments and that will trickle down and benefit my noncollege-educated father and mother. It is a legitimate argument. But it is different value set. It is a different way of looking at the world.

For Lord's sake, do not try to convince me this administration is seeking to change the overtime work rules so more people get overtime. In the last 3 years, more than 3 million private sector jobs have disappeared. And for each of those 3 million jobs lost, there is a story of a child without health care, a family in crisis without dignity or hope, their dreams lost or at least deferred. A job loss is not just another statistic, it is a real human tragedy.

Paraphrasing President Truman, and I didn't know what he was doing at the time, my grandfather Finnegan from Scranton used to say, Joey, when the guy up in Throop loses his job, it is an economic slowdown; when my brother-in-law loses his job, it is a recession; when I lose my job, it is a depression.

There is a lot of depression for a lot of folks out there. For 3 years now, this administration has told us that tax cuts are the only thing we need to do to get this economy rolling. They said tax cuts were all we needed to create new jobs. You know the talk about creating new jobs. But here we stand today, trillions of dollars in tax cuts later, and we have not added a single—hear me now—a single, not one net new job to the economy in the United States of America—not one. And I will bet the President anything he wishes to bet that at the end of his term—defeated or reelected—on election day 2004, this will be the first administration since Herbert Hoover not to create one single solitary net new job. As they used to say on "Saturday Night Live," "Ain't that special?"—not one new job.

Not only have we failed to create new jobs, we are losing the ones we have. Tax cuts were the only policy we had,

but it is painfully clear they haven't worked, at least in relation to jobs. And now it is clear that tax cuts and deficits are credited for crippling our ability to meet our responsibilities here at home in homeland defense and to shoulder the burdens we face around the world, at exactly the time the President has rightfully called on us to come up with another \$87 billion for Iraq.

I think it is time to ask the question: If we are not going to create any new jobs—and the President's Council of Economic Advisers argued, by the way, that last year's tax cuts would produce 5.5 million jobs between now and the end of 2004. With the loss of 93,000 jobs last month, that puts them 437,000 jobs behind their promise already. I challenge them to create one new job during this administration.

The latest official numbers look slightly improved on paper, but that is because nearly 2 million men and women who have been out of work for over half a year know that good jobs are just not there so they have completely given up looking for work.

I know my friend from West Virginia has been through a lot. He could, not figuratively but literally, write a book on this. He has witnessed what has happened to his coal miners. He has witnessed what has happened to the folks in his State. He has been through a depression. He was part of those who worked us out of that. He knows what not having a job means to somebody.

So most of us here—all of us, Democrat and Republican, know that the key to our dignity as human beings is being able to provide for ourselves, and it is also the key to a healthy economy.

A jobless recovery, which we have right now, means nothing to the millions still out of work. And this so-called jobless recovery is in danger of causing the recovery as a whole to sputter out because its foundation is not very solid.

There is little hope for sustained, healthy economic growth without solid, good-paying jobs. Consumer confidence and consumer spending—the keys to our economy—ultimately depend on Americans' confidence that they are going to have a secure job, a job that pays a fair wage for a fair day's labor.

For over half a century, American workers have known what that meant: a 40-hour workweek and time and a half for overtime. You could count on that extra pay in exchange for the extra burden of working more than 40 hours a week.

So I would just ask, what has changed in America that says when you work more than 40 hours a week, you should not get compensated more for it? What is it that has changed that says the premise of overtime pay is no longer sound? What is it? What is it that has changed, that is different from the agreement we made—business and management and labor—that if you

don't control your work environment, you should be compensated monetarily when you are asked to work in that environment beyond 40 hours? What has changed?

What is happening? Have we taken on a new set of basic values or is there something in the marketplace that has changed that demands this?

I will conclude with this. The irony of all of this is that at the very time when people are feeling less secure physically, the very time when people are feeling less secure about their jobs, at the very time when we have lost millions of jobs, and no reasonable prospect of seeing them regained in the near term, why is it they have to pile on now—pile on now—and begin to change that basic contract?

You would think they would at least have the good grace and the courtesy to wait until things have improved a little bit. It just seems to me to be really bad form, just bad form, because you know a lot of those guys and women who are making overtime are helping pay their mother's prescription bill, are making sure that their brother, who lost his job, is able to keep his kids in school.

A lot of that money for overtime is family overtime. And now we want to change that. I think it is getting a little bit greedy. I think it is just a little bit greedy. I think it is bad form. And I sincerely hope I turn out to be wrong. I sincerely hope the economic conservatives in this administration really are attempting to provide a change in the rules to make sure that more people get overtime. I will come to the floor and say: I'm sorry, I misjudged you. I thank you for your concern for working-class people. I thank you for your concern that not enough of them were getting paid overtime, and I appreciate the fact you are now willing to pay more people more overtime. I don't think I will have to make that speech. I hope I am wrong.

Mr. President, last month 93,000 Americans lost their jobs. Over the last 3 years, more than 3 million private sector jobs have disappeared. And for each one of those 3 million lost jobs, there is a story of a child without health care, a family in crisis without dignity or hope, their dreams lost or deferred.

A job loss is not just another statistic, it is a real human tragedy.

For 3 years now this administration told us that tax cuts are the only thing we need to get the economy rolling again. They said tax cuts are all we need to create new jobs. But here we stand today, trillions of dollars in tax cuts later, and we have not added a single new job to this economy.

Not only have we failed to create new jobs, we are losing the ones we used to have. Tax cuts were the only policy they had, but it is painfully clear that they have not worked. And now it is clear that the tax cuts and the deficits they created are crippling our ability to meet our responsibilities here at

home and to shoulder the burdens we face around the world—at exactly the time the President has rightfully called on us for \$87 billion for Iraq.

It is time to ask the question: Can this administration create just one new private-sector job, one more job than existed when they took office?

The President's Council of Economic Advisors claimed that the last tax cut would produce 5.5 million new jobs between now and the end of 2004. With the loss of 93,000 jobs last month, that puts them 437,000 jobs behind their promises already.

I challenge them to create just one new job during this administration, one new job before the next election.

The latest official unemployment number looks slightly improved on paper, but that is because the nearly 2 million men and women who have been out of work for over half a year know that god jobs are just not there and they have completely given up looking for work.

Jobs are the key to our dignity as human beings. And they are the key to a healthy economy.

A jobless recovery like we have right now means nothing to the millions still out of work. And this so-called jobless recovery is in danger of sputtering out because it lacks a strong foundation.

There is little hope for sustained, healthy economic growth without solid good-paying jobs.

Consumer confidence and consumer spending—the keys to our economy—ultimately depend on Americans' confidence that they have a secure job, a job that pays a fair wage for fair days' work.

For over half a century American workers have known what that meant, a 40-hour work week, and time and a half if you worked overtime. You could count on that extra pay in exchange for the extra burden of working more than 40 hours a week.

Many workers often have no choice about working overtime, it is up to their boss. But they have to work those extra hours, their employer is required to pay them time and a half.

This has been a cornerstone of the social contract between labor and management, between workers and employers.

For other workers, higher overtime pay is often absolutely essential to making ends meet. For those struggling along on the minimum wage or a little more, overtime pay can make all the difference when you are trying to make ends meet.

We know that many workers simply schedule themselves as much overtime as they can physically bear so that they can stay above water financially. But despite the key role of the 40-hour work week, despite the wide-spread reliance on time and half pay for work past those 40 hours, this administration has proposed crippling changes in the regulations governing overtime pay.

That is why I am here as a cosponsor to the Harkin-Kennedy amendment to

prohibit funding for those new overtime regulations.

Senator HARKIN deserves our thanks, and the thanks of millions of workers, for his leadership on this issue.

On its face, the issue could not be clearer. The administration wants to take away the rights of millions of workers to overtime pay. They want to make it easier for employers to reclassify as many as 8 million hourly workers—who now get overtime pay—to make them ineligible for overtime pay.

Right now, for most workers, if you are not "white collar" working in management, your boss has to pay you time and a half for all the work you do over 40 hours a week. The idea is that more highly educated workers, who participate in management, who have significant authority over the workplace, are more properly classified as salaried, not hourly, workers. They get a fixed amount of pay, no matter how many hours they may put in a week.

Hourly workers, on the other hand, who do not manage the conditions under which they work, who have less to say about the work week is organized, must be compensated if they work more than the basic 40 hours.

That has been the definition of a fair day's work for a fair day's pay for more than half a century, and its basic fairness still makes sense today.

America has changed, but not our values. But the administration's new regulations would make it easier—would actually create an incentive for employers to classify workers who have little advanced education and little or no authority—to classify those workers as white collar workers.

Those regulations would lower the amount of education currently required to classify someone as white collar or professional. And they would also loosen the definition of management activities to make it easier to claim that a lot of the basic paperwork many hourly workers currently do actually makes them administrators or executives.

Overnight, with the stroke of a computer key, millions of workers could lose the right to overtime pay. These rules are designed not only to make it easier to reclassify workers, but to make it pay for employers who do so.

Employers will save money, since they will no longer be required to pay workers time and a half for work that they are now guaranteed. There would be no change in the number of hours they could be required to do, no change in their education, no change in their responsibilities, just one change in the regulations in Washington—and they are out overtime pay and out of luck.

Today, when the biggest problem facing our economy is the loss of job, when a well-paying job is so hard to come by, these regulations are the worst thing we could do.

This administration has the worst record of job loss since Herbert Hoover—3.2 million jobs lost. Faced with the obvious fact that his economic

policies have failed to create a single new job, faced with the fact that years into a so-called recovery, we are still losing jobs, the President recently announced a warmed over package of his failed policies and labeled it a job creation plan. I suppose it is a good thing that he finally realizes that he is presiding over the worst job creation of any modern President.

Unfortunately, there is nothing new in his announcement, and absolutely nothing that would create one new well-paying job. If he truly wants to do something for the working men and women of America, I respectfully suggest that the President simply rescind these proposed regulations. That alone would protect the overtime pay on which so many men and women and their families depend today.

Now is not the time for this administration to use its regulatory power to cut the pay of millions of American workers. But if we will not stop this pay cut for millions of Americans, we can do that today here in the Senate. We can vote to prohibit any funds from going to enforce this unfair and wrong-headed change in our basic social contract, in the deal we have struck between millions of workers and their employers.

I urge my colleagues to join me in voting for this amendment.

Mr. President, I thank my colleagues and yield to the distinguished Senator from West Virginia.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from West Virginia.

Mr. BYRD. Mr. President, are we operating under any time constraints?

The PRESIDING OFFICER. No, we are not.

Mr. BYRD. I thank the Chair.

AMENDMENT NO. 1543

Mr. President, when President Bush signed the No Child Left Behind Act, he promised to give schools the funding they needed to help every young person in this country succeed in the classroom.

That promise has not been kept. And there is no better example of that broken promise than the education funding levels in this appropriations bill. The most glaring example is the title I program. Title I helps the students who need help the most—the millions who are being left behind. It is also the program that, under the No Child Left Behind Act, will hold schools accountable for improving student performance.

We did not have this program in my day and schools did not have to be held accountable, either, for improving student performance. It was a given that students went to school to learn and that they were expected to study hard. That is why we had our schools. We were there to get an education.

That is why, when Congress wrote the No Child Left Behind Act, it authorized specific funding levels for title I for every year through fiscal year 2012. The authorized amount for fiscal year 2004 is \$18.5 billion. That is enough

to fully serve 6.2 million needy children, according to the Congressional Research Service.

How much does this bill provide? This bill provides just \$12.4 billion. That is enough to fully serve only 4.1 million children.

The amendment I am offering would increase title I funding by \$6.1 billion, for a total of \$18.5 billion, the fiscal year 2004 authorized level, and it would extend the full educational benefits of title I to 2.1 million children who otherwise would be left behind. This would allow us to keep the promise we made in the No Child Left Behind Act.

I have to my left a chart. This chart shows what this amendment will mean for schools in all 50 States. I know that their listing here creates a chart on which it is difficult to read from any distance virtually. But here they are, 50 States. Let's take a few examples.

Take for example New Hampshire. Under my amendment, New Hampshire schools will receive \$19.5 million more than they would receive under the Senate bill. That is a 66-percent increase over the fiscal year 2004 level.

Let's take a look at Pennsylvania. Pennsylvania schools will receive \$223.4 million more under my amendment. That represents a 51-percent increase over the fiscal year 2003 level.

In Maine, schools will receive an additional \$24 million for a 50-percent increase. In my State of West Virginia, schools will receive \$47 million, \$46.8 million more under my amendment than they would receive under the Senate bill, also for a 50-percent increase over the fiscal year 2003 level.

There are other schools. All of the States on this chart—and there are 50 of them—under my amendment every State receives an increase over the Senate bill.

Massachusetts will receive \$129.3 million more under my amendment than it would receive under the bill. Alaska would receive \$18.4 million more. New York would receive \$682.2 million more. California would receive \$899.5 million more than it would receive under the Senate bill. That is the way it goes all the way down the line. The District of Columbia would receive \$27.8 million more. The State of Ohio would receive \$203.8 million more. So every State would gain under the Byrd amendment.

This amendment is fully offset for fiscal year 2004. It achieves this by rescinding fiscal year 2004 advance appropriations in the fiscal year 2003 Labor-HHS appropriations bill and reappropriating those moneys in fiscal year 2003. That is the exact same mechanism that Chairman STEVENS and Chairman SPECTER are using to add \$2.2 billion to the base bill—the same mechanism. My amendment simply builds upon their mechanism and adds \$6.1 billion more for title I.

Unfortunately, there has been some confusion over this point. I was disappointed last week to hear a Senator from the other side of the aisle refer to my amendment as a gimmick. Yes, re-

ferred to my amendment as a gimmick. Think of that. That Senator on the other side of the aisle said my amendment was a gimmick. The exact words were "a gimmick of classic proportions."

Well, I would like to call the Senate's attention to page 76 of the base bill. Lines 1 and 2 add \$2.2 billion in fiscal year 2003 spending. Now read exactly what is in the bill, lines 1 and 2, "by striking \$4,651,199,000 and inserting \$6,895,199,000." So you see, lines 1 and 2 add \$2.2 billion in fiscal year 2003 spending.

Now just drop two lines; just go down the page two lines and read lines 3 and 4; 3 and 4 offset that increase by rescinding \$2.2 billion in fiscal year 2004 advance appropriations in the fiscal year 2003 Labor-HHS appropriations bill. So my amendment uses the same funding mechanism as has been used in this bill.

Mr. SPECTER, chairman of the subcommittee, can verify that. Mr. STEVENS, chairman of the full committee, one of the finest chairmen there have been since that committee was created in 1867, will verify that. He will verify that I am reading this accurately and that that is what is being done.

So my amendment uses the same funding those two illustrious gentlemen used in writing the bill. And if my amendment is a gimmick—hear me—if my amendment is a gimmick, what does that say about the base bill? Is it also a gimmick? I ask, is the base bill also a gimmick?

Opponents of my amendment have also argued that the Congress is under no obligation to fund title I at the authorized level because authorizations are just guidelines.

Well, title I is not your average authorization program. Most education authorizations don't put mandates on States. The title I program in the No Child Left Behind Act puts more Federal mandates on our Nation's schools than any law in 35 years.

This law requires every State to develop a plan for helping all students reach a proficient or advanced level of achievement within 12 years. That is all students—all students, not just those in the wealthy suburbs but poor students, students from Appalachia to Alaska, children with disabilities, students of all races and ethnicities.

Schools must leave no child behind, and if schools that receive title I funds fall short of this goal, they face serious consequences. Schools that fail to make adequate yearly progress in raising student performance for 2 consecutive years have to give the students the opportunity of transferring to another public school. That means the school has to take money it would have spent for instruction and use that money instead for transportation. The penalties get more severe as time goes on. Ultimately, if a title I school fails to make adequate progress for 5 years in a row, it can be taken over by the State or the entire staff can be fired and replaced.

These are serious penalties, Mr. President, and I support them. I believe it is high time we held schools accountable for their performance, but I also believe if we are going to threaten schools with penalties—and these are severe penalties—we have a responsibility to provide those schools with the resources they need to improve.

Senator KENNEDY and President Bush agreed on what those resources would be when they negotiated the No Child Left Behind Act. Senator KENNEDY and President Bush agreed that title I should be funded at \$18.5 billion in fiscal year 2004 and Congress voted overwhelmingly to endorse that figure when it passed the law.

When President Bush signed that law a few weeks later, he said:

We are going to spend more money, more resources, but they will be directed at methods that work.

But this appropriations bill which mirrors the President's budget request falls more than \$6 billion short.

Let me take just a moment to explain what schools could do with that \$6 billion. The amendment I am offering would provide enough funding to hire more than 100,000 highly qualified teachers for the students who are most at risk of being left behind. That means over 2 million disadvantaged students would be taught in smaller classes, and they would receive the full range of instructional services called for under the No Child Left Behind Act.

It is no wonder students and teachers across the country are clamoring for this funding. In West Virginia, the Department of Education announced this summer that 326 of the State's 728 schools failed to make adequate yearly progress under the No Child Left Behind Act. That is 45 percent of all the schools in the State.

In many other States, more than half of all the schools failed to make adequate progress. So I ask my fellow Senators: Where is the money going to come from to help these schools improve? State governments are facing a fiscal crisis. So State governments are not in a position to respond to the needs. Where will the schools turn? State governments are in no position to make up a funding shortfall from the Federal Government. Yet this appropriations bill underfunds title I by more than \$6 billion.

This bill is a betrayal of the No Child Left Behind Act. It is unfair to all the people in this country who are working so hard to implement it. Parents and teachers want their schools to be held accountable. They want every child to succeed. They are holding up their end of the bargain.

Where is the President? What happened to his commitment to education? I will tell you what happened. Once the President signed the No Child Left Behind Act and the cameras stopped rolling and the sound bites faded away, the President walked away from the job of funding education.

Sadly, we have seen this picture before. This January in his State of the

Union Address, President Bush announced a 5-year, \$15 billion global AIDS initiative. Later he signed a law promising to fund that initiative at \$3 billion a year. Then this summer, he went to Africa and promised to do all in his power to make sure Congress fully financed that law. But when it came time to put the money behind that promise, where was the President? The President fell short. And he is doing the same thing with education.

The Congress is being asked to provide billions of dollars for the reconstruction of Iraq—the Appropriations Committee, I hope, will conduct hearings on that request—for what we are told is Saddam Hussein's willful neglect of all major infrastructure needs, including schools. So the President wants money for Iraq. He wants to make up for Saddam Hussein's willful neglect of all major infrastructure needs, including schools.

Mr. President, if the United States Government is to address infrastructure needs in Iraq, why can we not find the money to support our own domestic education system in the form of funding the No Child Left Behind Act? Where are our priorities? I voted for the No Child Left Behind Act. I support the reforms in that law, but schools need more funding if we are truly going to leave no child behind.

I urge my fellow Senators to approve this amendment. We gave our word to the people when we passed the No Child Left Behind Act. So let us, Mr. President, keep our word.

Mr. KENNEDY. Will the Senator from West Virginia be kind enough to yield for a question?

Mr. BYRD. I will be happy to yield for a question.

Mr. KENNEDY. The Senator from West Virginia was here at the time we had the debate on the No Child Left Behind Act and remembers it very clearly. I remember one of the finest education talks I have heard in the Senate was where the good Senator from West Virginia reviewed for the Members of the Senate his personal experience—it was shared by a few others—in terms of the value of education as a young person when he was growing up in the State of West Virginia. As he remembers the debate on the No Child Left Behind Act and the debate we had the year before when we were looking at the reauthorization of the Elementary and Secondary Education Act, there was a general recognition in this body that just providing resources without reform was not meeting our responsibility to the children of this country. But if we were going to have reform, we were going to have to have resources.

As I remember the discussions we had with the President of the United States on this point, this was a simple concept, but a rather basic concept, one which gathered broad bipartisan support and was the keystone of the whole No Child Left Behind Act. I am wondering if the Senator remembers at

least that general debate and discussion in which this body said, OK, we have not been able to use the resources we have used in looking at title I and elementary and secondary as effectively as we would like to, but we are strongly committed toward reforming our educational system because education is so important to the future of our country, and that was a debate that took place, that resulted in No Child Left Behind, and it is to that issue that the Senator from West Virginia is addressing the Senate, as I hear him this afternoon; that we have put in place the reforms but what is not there are the resources to give life to the reforms. This is what is at the heart of the Senator's amendment, as I understand it and as I interpret it. Am I correct?

Mr. BYRD. Yes. The distinguished Senator from Massachusetts, who has been a leader in this field, and who is a leader in this field, remembers very clearly and accurately the purposes and the debate on the No Child Left Behind Act.

I have never wanted to just throw money at anything. I never felt that just throwing money at education was going to educate our students, but I have been in favor of the reforms that are in this act. I believe we ought to do everything we possibly can to utilize those reforms, to put them into effect, enforce them, and at the same time have the money available to these schools so the reforms can be made, will be made, and will be enforced. They are pretty tough reforms.

As I indicated in my remarks, we have an obligation to provide the monies to those schools. When I was going to school, I started out in a little two-room schoolhouse in Algonquin, WV, in the southern part of West Virginia. I entered school long about 1923. Of course, we did not have Federal aid to education then. We had good teachers, although they were not paid a lot. During the Depression, many of them had to take a reduction on their paychecks to get those checks cashed, but we had teachers who cared. I had foster parents who cared. Our schools were not much, but we studied hard and we tried to make a better life for ourselves and our parents. So I know something about the disadvantaged children and disadvantaged schools. I came through that Depression. I am proud to say I was alive in that Great Depression. I am proud to say I lived through it because it taught me a lot of lessons. It taught me the worth of an education.

Benjamin Disraeli, who was Prime Minister of Great Britain, said in the House of Commons in 1874—the reason I remember the date easily is it was the year before my foster father, Titus Dalton Byrd, was born. So it was 1874. Benjamin Disraeli said: Upon the education of the people of this country the fate of this country depends.

I think the Senator will join me in saying we ascribe to that; that upon the education of the people of our

country the fate of this country depends. So this is a vote to improve the education of disadvantaged children. It is a vote to keep our word that we gave when we passed the No Child Left Behind Act.

I congratulate the Senator from Massachusetts. I said he has been a leader. I said he is a leader and he was a leader on this bill. He spoke with President Bush and he worked this approach out with President Bush. I congratulate him for it, but we have to do what we can to live up to it, and that is what we are doing here.

Mr. KENNEDY. I appreciate what the good Senator has said in his comments. These figures might get complex for people who are watching this debate. Basically, the No Child Left Behind Act said, No. 1, we are going to let the States develop their own curriculums.

No. 2, we are going to have well-trained teachers who are going to learn that curriculum and be able to teach the students.

No. 3, we are going to have smaller class sizes so a well-trained teacher in the classroom is going to be able to interact with the students in those classrooms.

No. 4, we are going to find out how much those children learn over the course of the year by giving them not just robot tests and situations where teachers teach to the test but really inquire about what these children are learning in the classroom.

No. 5, we are going to have supplementary services to help those children if they fall behind so they will be able to keep up. That is effectively what we were looking at in the No Child Left Behind proposal.

We demanded accountability, as the Senator remembers. We demanded accountability from parents because we gave parents the report cards not only about how the children were doing but how their school was doing. We gave accountability to the teachers that they were going to have to upgrade their skills in the courses they were going to have to teach. We gave accountability to the school systems that unless the school systems were going to perform, if they were going to effectively abandon their children or not perform for their children, that they would effectively be taken over by the State. And we were going to insist on a good quality education.

Does the Senator, in his comments today, agree with me that we are getting accountability with the students who are working in America and the teachers who are trying hard and those in local communities who are trying to get the small classes, but we do not have the accountability by the President of the United States and the administration providing the resources to let them do it and that the amendment of the Senator from West Virginia would meet our accountability and our commitment when we voted on behalf of that bill?

Would the Senator agree that is effectively what we are trying to do?

That is the way I read the Senator's amendment.

Mr. BYRD. The Senator reads it as I intended it to be read and as other Senators who are cosponsoring this amendment intended likewise.

There is no question about the fact that we were trying to give our children smaller classrooms. The Senator might know—of course he would not know how many students were in my graduating class. I was valedictorian of that class in 1934. If there had been one more student in that class, I might not have been valedictorian. There were 28 graduates. What a large class. But it was not by virtue of the kind of legislation that we have been supporting. That was the number of students in those southern Virginia coalfields.

We had good teachers. They were not paid a good deal, but we knew the worth of a good teacher. They were dedicated. What we are trying to do today is give our children smaller class sizes so they will get from the teachers the kind of attention they need. We are trying to give them good teachers. We are holding the teachers to high standards, also.

Yes, I am somewhat amazed and offended by the fact that our President is wanting \$87 billion now for Iraq. That is \$87 billion for Iraq. That is not counting the \$69 billion the Congress has already appropriated, no questions asked, by the way, for Iraq, making a total of \$166 billion for Iraq. So we are going to be asked to consider a supplemental for Iraq.

I am going to consider that. But why not consider more moneys for our own students, for our own teachers, for our own schools? That is what we are trying to do here. We are trying to live up to the word the President and Senator KENNEDY and I and others in Congress gave to the American people, to the students of our country, and to the parents, and to the teachers.

Mr. KENNEDY. I want to just bring to the attention of the Senator from West Virginia the results of the scores that are taken in my own State of Massachusetts, which really began this effort, which is very similar to what I have just outlined here, 5 years ago.

Let me just read the front page on September 4, 2003 of the Boston Globe:

Scores show broad gains on MCAS test.

That is the statewide standard test, which is basically equivalent to what we call the NAEP test. Let me read this.

More Massachusetts high school students passed the MCAS graduation test on their first attempt this year, as scores climbed in nearly every grade, every subject, and every racial group, statewide results released yesterday show.

About 75 percent of the class of 2005, or about 52,000 students passed both the English and math portions of their 10th-grade test on their first try this spring. That is significantly better than 69 percent of students in the class of 2004 and 68 percent of students in the class of 2003 who passed the first time they took it.

Jubilant state officials hailed the scores at a State House news conference yesterday as

"extremely impressive" proof that the Massachusetts 10-year effort to improve public schools is bearing fruit.

Curriculum reform, better teachers, smaller class size, afterschool programs—this is just what has happened in one State, I say to Senator BYRD. These were the same things we were committed to for every State in the country, to see this kind of progress.

We have not solved all the problems. We still have many others. I will not take the time of the Senate to review all of the different categories, the ethnicity, the student status, all the different categories. I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### SCORES SHOW BROAD GAINS ON MCAS

(By Anand Vaishnav)

More Massachusetts high school students passed the MCAS graduation test on their first attempt this year, as scores climbed in nearly every grade, every subject, and every racial group, statewide results released yesterday show.

About 75 percent of the class of 2005, or about 52,000 students, passed both the English and math portions of the 10th-grade test on their first try this spring. That is significantly better than the 69 percent of students in the class of 2004 and the 68 percent of students in the class of 2003 who passed the first time they took it.

Jubilant state officials hailed the scores at a State House news conference yesterday as "extremely impressive" proof that Massachusetts' 10-year effort to improve public schools is bearing fruit. But they acknowledged that a racial achievement gap persists, with more than half of Latino students and almost half of African-American students failing one or both of the 10th-grade tests.

"There have not been wholesale brain transplants. There has not been an increase in the IQ of the citizenry of Massachusetts," Governor Mitt Romney said. "Instead, our education system is doing a better job with our kids."

About 527,000 students in grades 3, 4, 5, 6, 7, 8, and 10 took one or more sections of the MCAS in April and May, in English, math, or science.

The results were particularly encouraging for 10th-graders, members of the class of 2005, who were in first grade when the 1993 Education Reform Act, which introduced the tests, became law. About 80 percent passed the math test on their first attempt, and 89 percent passed English.

Scores also improved for students with disabilities and those with limited English skills—two groups that have struggled with the exam since it became a graduation requirement with the class of 2003. About 46 percent of disabled students passed the 10th-grade test after just one round, up from 32 percent of limited-English students passed, double the 17 percent who passed a year ago. The jump came despite new federal and state laws allowing few students with a native language other than English to skip the test.

To some observers, the signs were clear that 10 years of efforts on education, from billions of dollars in new funding to the first statewide curriculum standards, were paying off. Massachusetts has recorded parallel gains on national tests such as the SAT and the National Assessment of Educational Progress.

"All signs are that education reform is taking root, and this is part of the harvest,"

said Andrew Effrat, dean of the School of Education at the University of Massachusetts at Amherst.

Still, Effrat said, the battle is not over, calling the failure rates for minority students significant.

For example, 84 percent of white 10th-graders passed MCAS on their first try, compared with 44 percent of Latinos and 52 percent of blacks.

Last year, a group of student in the class of 2003 sued the state, saying the Board of Education had exceeded its authority in enacting a graduation requirement and that schools had not prepared them for it.

Students in 10th grade can take the test five times before graduation, but they must pass MCAS and all of their classes to earn a diploma. Individual school and district scores will be released in about two weeks along with retest scores from the class of 2003 and 2004 that will show how many students still must pass before earning their diploma.

MCAS opponents yesterday questioned how the gains could last as schools facing significant budget cuts this year have laid off teachers, boosted class sizes, and slashed supplies. In addition, the Legislature sliced the \$53 million in state money for MCAS tutoring to \$10 million this year, and a Romney spokeswoman said she could not say whether the governor will include more money for MCAS help in his forthcoming supplemental budget.

Some MCAS critics attributed the gains to a relentless focus on test preparation in schools and the practice of holding back ninth-graders who are not prepared for the exam, and who may later drop out.

"Clearly, test preparation makes test scores go up, and other things contribute, like attrition, which has been a consistent theme and not so much paid attention to" by the Department of Education, said Lisa Guisbond, a statewide coordinator for the Massachusetts Coalition for Authentic Reform in Education, which opposes the MCAS graduation requirement. "These are things that continue to be troubling."

However, Massachusetts commissioner of education, David P. Driscoll, and the state Board of Education chairman, James A. Peyser, pointed to higher scores for black and Latino teens as evidence of a "dramatic breakthrough" in the achievement gap. In 2001, 77 percent of white 10th graders passed MCAS on their first try, compared with 29 percent of Latinos and 37 percent of blacks.

Left unanswered yesterday were questions about a steep drop in the number of black test-takers. State education officials said they will need to study why only 3,530 black 10th-graders took the test this spring, down from 4,587 last year. The number of white test-takers also dropped, from 49,866 to 44,131. One possible explanation is that fewer students specified their race this year, state officials said.

It could also stem from an increase in the number of students dropping out, leaving Massachusetts, or repeating ninth grade.

First administered in 1998, the MCAS test has sparked rallies, protests, and a campaign for a statewide ballot question to get rid of the graduation requirement.

Guisbond also questioned whether changes in scoring could have inflated results. This year, 10th-graders needed 19 out of 60 points on the math test to pass, down from 20 out of 60 last year, state officials said. On the English test, they needed 38 out of 72 points to pass, down from 41 out of 72.

Jeff Nellhaus, associate commissioner for students assessment, said the Department of Education lowered the number of points needed to pass because a statistical analysis of the exam showed that it had harder questions than the year before.

School districts received their students' scores last month and are just now analyzing the results. Tyshawanna Richardson, a junior at the Codman Academy Charter School in Dorchester, passed English but not math. Twenty-five sophomores at the school took the exam—all passed English, and about two-thirds passed the math section.

"I plan on going over whatever I didn't get, to understand it so this time I can pass," said Richardson, 16, of Mattapan. "It wasn't that hard."

Mr. KENNEDY. But I want to ask the Senator this last question. In the Budget Act, the budget for fiscal year 2002, the conference report—this is what bothers me. We have seen the increase in the education budget going from 1997 to 2001 up to 13 percent, to 2002, to 16 percent. That is when Democrats and Republicans worked with the President to try to begin the downpayment on this effort. This is when we had the bipartisan agreement.

Then the next year, as the Senator has pointed out, after the television lights had faded and the crowd had disappeared, we have in the budget, with the Republicans in charge:

For the years beyond 2002, this report assumes the 2000 discretionary function level grows by inflation.

It grows by inflation. Therefore, under the Republicans, it was going to be zero, zero, zero, zero, zero. That is what was in the Republican budget. After we passed the bill and we saw the bill increase, this is what they were saying.

Many of us were saying that might have been, but we will hope for the next year from the President of the United States, who specifically negotiated those increases—we thought: That's a mistake—we will find something different. But instead what we have effectively found, as this chart here indicates, under the Bush budget, it leaves millions of children behind. We are going to be leaving 6.2 million children behind; 5.89 in 2005; 5.8 million in 2006; 2007, more than 5 million; 5 million; 5 million. Effectively, under the Byrd proposal, if we continued that progress we achieve what the No Child Left Behind committed us to, and that was we were going to have, at the end of 12 years, proficiency in the public schools for the disadvantaged children of this country. That is what the Byrd amendment puts us on a pathway to. That is why it is so important, so essential.

If the Senator would permit me one more moment? We attended the Armed Services Committee meeting earlier today. Does the Senator not agree with me the investment in education is essential if we are going to have the best fighting men and women in the world; that investing in education is essential if we are going to have the strongest economy in the world; and that investing in education is absolutely necessary if we are going to be able to preserve democratic institutions in the greatest country of the world? That this is the core value?

Parents understand that. You and I understand it. Senator HARKIN and

Senator MURRAY understand that. That is what the amendment of the Senator from West Virginia commits us to here, at a time when we are being requested \$87 billion, to say we can have a downpayment of \$6 billion for the children of this country.

Mr. BYRD. Mr. President, there is no question about it. I want to thank the distinguished Senator for his work in this field. I want to thank him for his work on the Armed Services Committee. And I want to thank him for his leadership in making laws that will better prepare our young people for the future, for what lies ahead of them. Of course, we need better educated people in our Armed Forces. Of course, we have to have better educated people if we are going to keep this country as the superpower of the world.

I want to thank him for what he has done in this respect. I know he must feel very proud of the record that has been established by his schools up there, to which he referred a little while ago. Those performances were in English and math. They are not easy subjects, as I recall—not the easiest. But there is no subject matter that is more important than that of English, grammar, mathematics. He must feel justly proud of the performance those schools have made, that has been made possible, to a considerable extent, by his work on this legislation. So I thank him for his contribution here to our debate today also.

Mr. KENNEDY. I thank the Senator very much.

Mr. BYRD.

I took a piece of plastic clay  
And idly fashioned it one day,  
And as my fingers pressed it still,  
It moved and yielded to my will.  
I came again when days were past—  
The bit of clay was hard at last;  
The form I gave it, it still bore,  
But I could change that form no more.

I took a piece of living clay  
And gently formed it day by day,  
And moulded with my power and art  
A young child's soft and yielding heart.  
I came again when years were gone—  
It was a man I looked upon;  
He still that early impress wore,  
And I could change him nevermore.

That is what we are talking about.  
That little piece of clay. That little piece of clay.

Just a closing thought about our teachers:

A builder builded a temple,  
He wrought it with grace and skill;  
Pillars and groins and arches  
All fashioned to work his will.  
Men said, as they saw its beauty,  
"It shall never know decay;  
Great is thy skill, O Builder!  
Thy fame shall endure for aye."

A teacher builded a temple  
With loving and infinite care,  
Planning each arch with patience,  
Laying each stone with prayer.  
None praised her unceasing efforts,  
None knew of her wondrous plan,  
For the temple the teacher builded  
Was unseen by the eyes of man.  
Gone is the Builder's temple,



Crumpled into the dust;  
Low lies each stately pillar,  
Food for consuming rust.

But the temple the teacher builded  
Will last while the ages roll,  
For that beautiful unseen temple  
Was a child's immortal soul.

Mr. President, I ask unanimous consent the following Senators be added as cosponsors to the amendment I have offered: Senators HARKIN, DODD, DORGAN, KOHL, BINGAMAN, LIEBERMAN, DAYTON, PRYOR, CORZINE, MIKULSKI, SCHUMER, KENNEDY, JOHNSON, EDWARDS, MURRAY, ROCKEFELLER, LAUTENBERG, LINCOLN—the first name of the Senator who graces the chair and presides over this August body at this moment, with a degree of dignity and skill that is so rare as a day in June—LEAHY, GRAHAM, KERRY, LEVIN, CLINTON, JEFFORDS, REED, SARBANES, CANTWELL, LANDRIEU, STABENOW, and DURBIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I came to the floor this afternoon to speak about the amendment offered by Senator HARKIN, and I will do so in just a minute. But first I want to congratulate Senator BYRD for his tremendous work on education and thank him for his extremely strong voice in this area.

I know many students are starting school this week. Many young people are just starting out in kindergarten across the country this year. They will be grateful for Senator BYRD and his strong support of education. But so will the many students who have traveled to school while he has been here in the Senate advocating for them. I thank him for his work on their behalf over the many years. For all the young people out there who benefited from his wisdom and support but also, very importantly, for the teachers who will benefit as well, I thank my colleague from West Virginia.

Mr. BYRD. Mr. President, I thank the very distinguished Senator from Washington, Mrs. MURRAY.

AMENDMENT NO. 1580

Mrs. MURRAY. Mr. President, I came to the floor today to speak in strong support not only of Senator BYRD's amendment but also of the amendment offered by Senator HARKIN. The amendment Senator HARKIN has offered is extremely critical in today's world. It is offered in order to protect hard-working Americans such as our police, firefighters, and our nurses who rely today on overtime pay.

It is unbelievable to me that today as families struggle in this extremely difficult economy, the Bush administration wants to cut overtime pay for millions of Americans who depend on it just to make ends meet at home.

My colleagues have been in the Chamber discussing the Bush administration's proposed changes to the Fair Labor Standards Act which sets the rules regarding overtime pay in this country. According to the Economic

Policy Institute, those changes are going to mean a pay cut for up to 10 million working families. These proposed changes will mean a pay cut for up to 10 million working Americans. These families are working really hard today. They are playing by the rules. They are trying to make ends meet. And this administration is squeezing them once again. To me that is unacceptable. That is why the Harkin amendment is so important today.

The question I have is this: Haven't American workers been punished enough by this President's economic policies? Not only have we seen millions of Americans lose their pensions but we have seen massive tax cuts for the few while everyone else struggles just to get by.

In my home State of Washington alone, we have lost more than 73,000 good-paying jobs since this administration came into office. My State unemployment rate is now the third highest in the Nation at 7.5 percent. In fact, just recently one of our business columnists suggested that the actual unemployment rate for Western States could be as high as 11.8 percent, if you count all of our unemployed workers.

Here we are with so many people out of work and so many people struggling to keep their jobs. Now this administration wants to force a pay cut on those people who are working overtime for their employers and are just trying to make ends meet. I don't think we should forget that these workers are now often the only breadwinners in their family. This change will hurt up to 10 million hard-working Americans. I come to the floor today to talk about some of the real people who are going to be squeezed by this amendment.

Right now, our firefighters, our policemen, and our EMTs are working very hard on the front lines on homeland security. They have gone above and beyond the call of duty, often with inadequate training and often with inadequate equipment. But they are doing it to protect us in this dangerous age. Today, many of them are working overtime in order to do that.

Now the Bush administration is telling our firefighters, our policemen, and our EMTs that they don't deserve overtime pay for the extra work they do. I find that very insulting. We know it will hurt their ability to provide for their families who every day watch these men and women go off to work and hope they return safely at the end of the day. Even worse, it really violates the great trust we place in this country on our first responders.

The International Union of Police Associations has estimated that 200,000 midlevel police officers will lose \$150 million in overtime pay if these new regulations are implemented. I believe our firefighters, our policemen, and our EMTs deserve overtime pay for their overtime work. The Bush administration is trying to squeeze them, and that is wrong.

Let me give you another example of whom this change will hurt. In commu-

nities across the country we have a shortage of nurses. I hear it from everyone who comes into our office. It is really causing hardship everywhere. These nurses are working really hard. They are providing care under extremely difficult conditions. Now the Bush administration is going to prevent more than 230,000 licensed practical nurses from getting overtime pay. They work hard for it. Frankly, in my view, they deserve every penny they get.

When I first heard about this disturbing proposal, I joined with my colleagues to tell the Bush administration they are on the wrong track. As the ranking Democrat on the Subcommittee on Employment, Safety, and Training, I was proud to join with Senator KENNEDY and 40 other Senators in sending a letter to Secretary of Labor Chao. We asked her not to implement the proposed regulation that would deny overtime pay to hard-working Americans.

In our letter, we asked the Secretary to consider millions of workers who depend on overtime pay to make ends meet and to pay for things such as food, childcare, housing, health care, and sending their kids to college—what every family wants today. We know overtime pay also makes up to 20 to 25 percent of an eligible worker's wages. But it seems this administration would rather provide tax cuts for the rich—that is where their priorities are—while cutting the pay of working Americans who most often live paycheck to paycheck.

During this debate, we heard some dubious arguments from the other side. We heard that we need to update the Fair Labor Standards Act because it was passed back in 1938. But what they haven't told us is that Congress has updated that act in fact eight times.

In 1985, Congress reviewed the law and extended it to State and local governments, leaving in place the current overtime exemptions.

Furthermore, the Bush administration is taking some unprecedented steps. Never before has the legislative branch authorized changes in the overtime rule. Never before has Congress directed the Department of Labor to take overtime pay away from millions of American workers.

You have to wonder, why the urgent need now to gut these time-tested worker protections? Could it be that the Bush administration and its business allies want to reduce the amount they pay in wages? Maybe it is because employers know in this very tough economy employees will just go along and accept the loss of overtime because they are so afraid they will be laid off. I will leave it to others to answer those questions.

The Senate should not support this coercive antiworker proposal. It will drain the wallets of millions of Americans who are working hard today to put food on the table. This proposal from the White House, in my opinion,

is just another slap to working Americans. We need to stop it in the Senate.

I commend the Senator from Iowa for offering this critical amendment. Senator HARKIN has always been a great friend to working Americans, and today those Americans need this Harkin amendment to protect them from this administration's designs.

I urge my colleagues to stand up for our firefighters, stand up for our police, stand up for our EMTs, stand up for our nurses who work every day for Americans. Stop this proposed pay cut for American workers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I congratulate my colleague, Senator MURRAY, for speaking on the overtime amendment offered by Senator HARKIN, and Senator ROBERT BYRD for speaking on his amendment involving funding the President's mandate, the No Child Left Behind legislation. I address both of those issues for a moment.

First, I say to the Senator from Washington, what she has outlined in her State can be repeated in virtually every State across America. For the last several years, we have seen a loss of jobs in America virtually unprecedented in recent history. In fact, you have to go back so far as President Herbert Hoover in the Great Depression to find a time when America has lost as many jobs as we have lost since President Bush took office. Remember, in the preceding 8 years we created 22 million new jobs in America, but since President George W. Bush has taken office we have lost almost 3 million jobs. This is a modern record, a sad record felt in every State, my own included.

I have also been told that some 90 percent of the jobs we have lost have been manufacturing jobs, jobs which have been lost to Third World countries, countries such as China, that have taken away the manufacturing jobs that used to be the bread and butter for the communities of America. They are leaving in droves. Since President Bush took office we have lost 120,000 manufacturing jobs in Illinois. In the last 5 years, we have lost one out of every five manufacturing jobs, and there is no end in sight.

I held a press bipartisan conference today with some of my colleagues who decried the current situation in China where they are sucking away all of our jobs because of currency manipulation. The point is that will be addressed in another bill.

In this bill, we have to be concerned not with the exodus of American jobs to Third World countries but the immigration of Third World labor standards into the United States. The Bush administration, through the Department of Labor, is establishing a standard which says that some 8 to 10 million workers in America will no longer qualify for overtime pay. Those included in that group, as we have heard from my colleagues on the floor, are

firefighters, nurses, many who have important jobs in communities related to health and safety. The Bush administration has said they will not be entitled to overtime in the future.

Those with a sense of history can remember from our history courses and our readings how many lives were lost in America in the establishment of the labor movement to fight for one particular thing: the 40-hour workweek. This was, frankly, one of the most contentious issues. We finally said, as a matter of law in America, businesses could only work their employees 40 hours a week or they would have to pay time and a half for the extra time. That was a bitter battle that went on for decades with a lot of bloodshed and lives lost because of social upheaval as workers across America spoke out for their rights. But eventually it was established. The 40-hour workweek in America became a sacred precept, not just in collective bargaining contracts but as well in legislation, to apply to everyone. The understanding was that beyond 40 hours you would have to pay extra.

What is the basis for it? Certainly so the workers' rights would be respected. It would lessen exploitation. It would say to the employer, if you are going to work someone beyond 40 hours, that certainly is a physical impediment, one that could be a hardship, as well as a family hardship, and you should pay more for it.

Now comes the Bush administration saying it is family friendly and eliminating the right to overtime pay for 8 to 10 million Americans. It could not come at a worse time. It could not be a worse idea.

Senator HARKIN of Iowa offers an amendment which my friends on the other side of the aisle are afraid we will call for a vote on, an amendment that says we will not allow the Department of Labor to go forward with this bad idea.

I totally support the Harkin amendment. We need to protect the rights of workers in America today, rights that have been fought for decades, over a century of effort by men and women to bring dignity to the workplaces under assault because of this proposal from the Bush administration.

Let me say a word about the Byrd amendment before the Senate. Senator ROBERT C. BYRD of West Virginia has offered an amendment which basically says to the President: Keep your word. Keep your word.

When this President came to office as the education president, he said: I am going to bring Democrats and Republicans together. He turned to my friend and colleague behind me, Senator KENNEDY, and said: Join me in passing the No Child Left Behind legislation. Let's do it right. Let's do it in a bipartisan fashion.

Senator KENNEDY joined him, as did Congressman GEORGE MILLER of California, in a bipartisan effort, supported by many, including myself. No Child

Left Behind demanded accountability in schools but said if the children are having a tough time passing the test, we want to provide extra resources to school districts across America so the test scores will improve.

Resources for title I is a program where school districts directly help students and their families, students who are falling behind. The amount that was to be authorized for this was spelled out in law, written down and approved by the President, signed into law, and No Child Left Behind went into effect.

Across America, public schools are bound by the requirements and mandates of No Child Left Behind. But, unfortunately, when it came to President Bush's budget, he failed to appropriate the funds necessary to pay for this mandate. So the mandate goes unfunded at the local level.

I don't know about the States of my colleagues but I can speak about Illinois. We are in a terrible fiscal crisis. We had to cut \$5 billion in State funds this year—a very difficult thing to do—and our schools have suffered in the process. For us now to say that this Federal mandate of No Child Left Behind is not going to be funded as President Bush promised means that the President is not keeping his word to the schoolchildren and families of America.

Senator BYRD's amendment says to the President: Keep your word. Find the \$6 billion you promised to send to these school districts.

I happen to think Senator BYRD is right. I am happy to be a cosponsor of his amendment. We cannot at this point in time establish new mandates and new responsibilities on school districts across America struggling to survive and not provide the resources.

In my home State of Illinois, almost half of the school districts are now in desperate financial straits. In the city of Elgin, IL, a growth area in my State, they appropriated funds 2 years ago to build four new schools that were to be open this fall when school opened. Sadly, the Elgin School District does not have the resources to open the schools. They cannot afford the teachers. They cannot afford the overhead costs. The four brandnew school buildings sit vacant, an indication of how difficult it is to fund education at the local level in the midst of a recession, in the midst of a situation when State budgets are struggling to find balance.

That is a compelling argument for us to keep our word, to make certain that school districts across America have the money to help the kids improve their test scores, improve their education, become better readers, understand math and science, and improve as students. Unless and until we do that, we have no business mandating on these school districts that they have to start transporting students across school district lines and all of the other penalties associated with No Child Left Behind.

Let's pass the Byrd amendment. Let's keep our word to the schoolchildren across America, even if the Bush budget does not.

The last point I make is an amendment which I plan to offer at the first opportunity. Again, it relates to a promise made by President Bush. I was at the State of the Union Message, as most Members of the Senate attended, just a few months back. I listened carefully as the President made a pledge on behalf of the people of the United States. It was historic in terms of its commitment. The President said: We in the United States would lead the world in battling the global AIDS epidemic. President Bush said to standing, thunderous ovation from both sides of the aisle that he was pledging \$15 billion a year over the next 5 years to fight the scourge of HIV and AIDS around the world. It was the right thing to do. The President was showing the leadership, which we expect of him, and leadership which makes all of us proud as Americans. Frankly, most of us believed at that point the deal was cut, that from that point forward no questions would be asked.

Now look at the bill before us and what do you find? Do you find that the \$15 billion over 5 years results in \$3 billion in spending in the next year, as one might expect? No. Scarcely \$2 billion will be available—\$2 billion to meet a \$3 billion commitment.

There have been many serious casualties in Iraq. We have lost many lives. Many of our service men and women have been injured. But now we are dealing with the other Iraqi casualties—funding for our schools, funding for the global AIDS epidemic.

The President again must be held to the standard that he set, the standard of American leadership around the world in dealing with the global AIDS epidemic. I certainly hope my colleagues, many of whom voted for the resolution offered by JEFF BINGAMAN, the Senator from New Mexico, a few weeks ago—I think there were over 80 votes in favor of it, and we said we should put \$3 billion in the budget this year for the global AIDS epidemic. I hope they will support my amendment which I hope I can offer later today or the first thing tomorrow, because in that amendment we will be able to keep our word.

Recently, in the Chicago Tribune, there was an editorial. This editorial suggested that this is a key floor vote on whether we are going to implement President Bush's bold \$15 billion 5-year plan to fight AIDS in Africa and the Caribbean. The Tribune went on to say:

The vote will go a long way toward determining if the U.S. will keep its promise to lead the world in the fight against AIDS.

That noble pledge seems to be wilting under the heat of other budget pressures. Bush has lobbied Congress for no more than \$2 billion for the first year. The Global Fund to Fight AIDS, Tuberculosis and Malaria would be particularly hard-hit by the reduced commitment.

They go on to say, my colleague from Illinois, Representative Henry Hyde, in the House:

... secured approval for legislation specifying that \$2 billion, plus an additional \$1 billion for the Global Fund, would be disbursed each year, rather than "backloading" the money into later years.

Make no mistake, the AIDS epidemic is upon us. Every year we delay, every dollar we delay will increase the number of deaths and hardships and orphans created by this terrible disease. We have an opportunity to do something significant in terms of the global AIDS epidemic, in terms of our Nation's commitment, in terms of what President Bush has said he would do as our leader in this country. But we need to follow through. Let's not look for excuses. Let's, instead, look for the opportunity to lead, which is before us today.

I encourage my colleagues to join on these three amendments by supporting TOM HARKIN to stop the overtime pay change, which the Bush administration is pushing; secondly, to support Senator ROBERT BYRD, who has said the President must keep his word to fund the mandate which he has sent to public schools across America; and again, in my amendment, to offer the \$3 billion to a world desperately in need of our help to deal with the global AIDS epidemic.

We can do this. We can keep our word. We can show the leadership that the President has promised.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 1566

Mr. KENNEDY. Mr. President, I will speak briefly about my higher education amendment, which I offer with my friend and colleague, Senator COLLINS, from the State of Maine.

It is our hope that we might be able to vote on the Byrd amendment and the amendment of the Senator from Connecticut and this amendment later this evening. I do want to take a few moments, once again, to review the importance of adding the \$2.2 billion to make sure the Pell Grant Program will continue to be alive and well.

Very quickly, the issue of availability of college for young people on the basis of their talent and educational achievement goes back to the 1960 campaign. That was a prime issue in that campaign: whether we, as a matter of national policy, were going to say to any young person in America, that if they had the ability to get admitted to any of our fine universities across this country, the size of their pocketbook or wallet would not limit them in terms of attending any of the great public or private universities, that they would be able to put through a package which would include grant programs, some loan programs, perhaps some work-study programs, perhaps a summer job program, and whatever else they might bring to the table, but at least it was going to be available.

There was going to be help and support for any young person in America. And any young person who was to take advantage of it was not going to have to mortgage their future in terms of borrowing from banks or from loan agencies. That was enormously important.

As a result of that, we have seen the opportunity for higher education available to millions of Americans. It was not really much of a surprise because we had seen the GI bill and then the cold war GI bill that was made available to veterans who took advantage of it.

The GI bill, after World War II, opened up enormous opportunities for new generations. Any careful review and study of that GI bill would find that paid back into the Treasury \$9 for every \$1 that was invested in students. It more than paid for itself just in terms of the bottom line economics of it, let alone the opportunity it gave to millions of young people. And then we had the cold war GI bill.

So this issue has been discussed and debated in this country as a matter of national policy. But what we are seeing, in the very recent times, is the sliding away from that fundamental commitment that says young people, if they are able to meet the academic standards, would be able to go to college.

In fact, I can remember a Secretary of Education, under a Republican administration, testifying before the Education Committee and saying: That is not what this Republican administration is really all about. Any young person will go where they can afford to go. And it should not be the Federal Government that is going to provide them with any of the help and the assistance.

That was an absolute retreat on what I thought for a time was a matter of a national kind of policy and priority. But, nonetheless, we have had to have that battle every several years. We have to have that battle on this Appropriations Committee because any careful reading of this appropriations bill would reflect that this Republican bill does effectively nothing to help families afford college. This has a zero increase in individual Pell grants. It has a zero increase in campus-based aid. It has a zero increase in the college work study. These are programs to provide job opportunities in the schools, as well as the Pell Grant Program.

If we look at the difference, the contrast between grants and loans, we can look back over the recent history. This goes back to 1980, 1981, where you will see that 55 percent of the education assistance was actually in grants, and then about 42 or 43 percent were actually in loans.

If you look at where we are now, in 2001, 2002, you will find 58 percent are loans and 41 percent are grants. This is a dramatic shift.

What this has meant is that great numbers of young people—estimates

are anywhere from 35 to 45 percent—who are attending higher education are working 25 hours a week or more.

If you visit any of the campuses, you will find that the young people, at the time there is a break in the instruction, are talking about their jobs rather than talking about the books or their poems or the ideas which they are taking from their classes.

What we have seen is enormous indebtedness that the young people have experienced over this period of time, and this is for the average student who is going to any of the schools. About 68 percent of any of the young people who are attending schools or colleges get some financial aid.

Four years ago, when they were graduating from any of the public and private institutions across the country, the average was \$27,000, \$28,000 a year in terms of debt. Now that has doubled effectively because of the increase in the amounts the young people have to borrow. That has increased dramatically with a number of the young people who are going to graduate schools. And it is not infrequent that those who are graduating from the graduate schools end up with debts of \$100,000 or \$120,000.

This chart shows the shrinking buying power of the Pell grant. Going back to the late 1970s, if you got a Pell grant, it was about 84 percent of the cost of your education, if you went to a public 4-year institution. If you went to a private institution, it was still about 40 percent. Now we find it is 39 percent instead of 84 percent, if you are going to a public 4-year institution. If you are going to a private 4-year institution, it is down to 15 percent.

One of the most dramatic factors is the median income for the Pell grant recipients. It has gone from a little over \$11,000 for family income in 1989 to 1990, to the year 2000 where it is now \$15,000. This is the average income, 15,200 for 4.8 million young people who get the Pell grant who go to college today. But these are individuals who have the academic know-how and who have worked hard, come from humble backgrounds, and have been able to excel academically and gain entrance into some of our finest schools and colleges in the country. They are demonstrating an extraordinary perseverance.

What we are saying with this amendment is that we are going to make sure the Pell grant is going to continue its value in terms of young people who are qualified for it. Under this particular amendment, it will add \$450 to the value of the Pell grant, which will mean 200,000 more children will be able to take advantage of the Pell grant in this \$15,000 range. These are young people of talent, commitment, and conviction, who are hard working. This gives them the opportunity. That is what this is about. If this amendment is not successful, there will be over 100,000 Pell grant recipients, it is estimated, receiving the Pell grant today who will

lose it as a result of the increase in the tuition that we have seen escalate over the past year.

I will not take the time to go over the increases, but every Member of the Senate understands what has happened in terms of increases in their States.

Finally, I draw the Senate's attention to the administration's policy itself, talking about Pell grants. The bill provides \$12.7 billion for Pell grants, \$538 billion less than the President's request for the high priority program. We are asking for \$2.2 billion in order to provide for the Pell grant but also the TRIO programs, which are the indispensable link for children who come from disadvantaged educational circumstances but are gifted and talented, so they are able to gain entrance into the schools, as well as the GEAR UP Program which has been such a success.

We believe this is one of the most important amendments. If you care about education, you will stand with BOB BYRD, with his increase in No Child Left Behind. If you care about providing opportunities for the sons and daughters of low- and middle-income families who have ability, who have creativity, who have demonstrated their willingness for hard work, you will vote for this amendment. This amendment makes sense. It is an expression of a nation's priorities. I hope we will have a strong vote.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, we will engage in a colloquy now to explain a little bit about what has been going on today and yesterday and outline what the plans will be for tonight and tomorrow. It will be myself and Senator DASCHLE and the managers of the bill, to clarify our general understanding.

First of all, last week tremendous progress was made on the bill. The managers have done a superb job in taking what we all know is a large, very important bill, a complicated bill, and systematically addressing the amendments that Senators have brought to the floor. A particular amendment, the Harkin amendment, has been the amendment talked about today and over the last 3 days. And it is an amendment that people feel very strongly about on both sides of the aisle.

In addition, both sides have looked at a whole range of amendments. And the managers have been made aware of those amendments.

As is always the case, the list is very long. But after discussion with the managers, it is clear that we have a manageable number of amendments that can be addressed if we started right now, tonight, in which case we would have to go very late tonight, tomorrow, and tomorrow night and complete action on the bill.

What it would mean is going back, in essence, to regular order in the sense of going back and voting shortly on four

amendments, starting in a few minutes, after which the general understanding is that we would debate about six amendments tonight. Again, these are amendments which have been presented. They have been talked about and discussed. They would be debated tonight with the expectation that tomorrow morning we would vote on those amendments that require a vote and that we would vote on the Harkin amendment in the morning.

All of this is with the understanding that we would complete the bill tomorrow night and that we would stay and complete the appropriations bill as long as it takes tomorrow night, understanding that it is going to be challenging, that we are going to have to stay right on the bill and the amendments under discussion and stay focused in order to complete that bill tomorrow night.

If that could be done—and it will be done, based on the agreement—then it would be possible for us not to have rollcall votes on Thursday or Friday. We have September 11 on Thursday. We will have services here at the Capitol, and most of us will be participating in services either in our districts or here. So it is a challenging day. But I also think it is important for us to continue the normal business of the Senate on September 11 around those services. We would have a legislative day on Friday. In fact, we would be able to move to other business on Thursday and on Friday. But when we finish the bill tomorrow night, it would be with the understanding that we would address the amendments that I mentioned tonight, the specifics of which we will talk about shortly, and that we would finish the bill tomorrow night; that we would not leave until we finish the bill.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I concur with what the majority leader has just described as the current understanding. It is not our intention to ask for unanimous consent. That is not necessary. We have a number of amendments under regular order that can now be called up. It is our hope that we could get at least through four of them, perhaps more. It is also our expectation that we will have additional amendments offered tonight with an understanding that those votes will occur in a stacked sequence tomorrow morning, following the vote on the overtime amendment.

I believe it is possible for us to finish our work tomorrow if we put in a full day. We have lost a lot of time, unfortunately. But I think we can make up for that lost time tomorrow, with the understanding that Senators have to travel to their States, in many cases. We know of at least eight Senators, those most affected by 9/11, who will want to be in their States on Thursday.

I think it is important that we accommodate their understandable need to be in the States they represent. To do that, we really, out of necessity,

will have to try to finish tomorrow night. I think we can do that.

The managers on both sides have done a very good job of working through the list of amendments we have, and we are prepared to vote on a substantial number of amendments already. If we do that tomorrow, with the assurances given by the majority leader—and there is also one other assurance. It is my understanding from previous conversations that we would be going to another appropriations bill as the next order of business whenever we complete this one. I know there is the outstanding question of when the so-called legislative veto of the FCC rule will occur, but except for that, it is the understanding, I think, on both sides, that we will stay on appropriations bills for the foreseeable future.

Mr. President, it would be my hope that we could begin voting soon to accommodate that schedule. I would like to work with the majority leader to complete our work on time tomorrow night.

I yield the floor.

Mr. REID. Mr. President, while the two leaders are on the floor, I have spoken with Senator BYRD. His amendment has been pending for a long time. He indicated he is ready for a vote now. I wonder when the two leaders wish to begin that first vote. It is on amendment No. 1543, Senator BYRD's amendment. Can we do that?

Mr. DASCHLE. Mr. President, if I understand the regular order, that would be the first amendment. With his cooperation, I see no reason why, at least on our side, we couldn't begin the vote almost immediately.

Mr. FRIST. Mr. President, before we call for the regular order, again, a lot of what we are going over today, tonight, and tomorrow is on good faith that we are going to finish this bill tomorrow night and do everything within our power.

A lot of people say: Why don't you put it in writing; get a unanimous consent agreement. We are not doing that because of this determination and good-faith effort as we go forward.

Before going to the regular order, I ask the managers to make a statement that they understand what the two leaders have said in terms of completion of the bill; that we will start voting here shortly, offering other amendments tonight, stacking votes in the morning, having a full and productive day, and staying here as long tomorrow afternoon or tomorrow night as it takes to complete the bill.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the majority leader and the Democratic leader for their statements. I am prepared to move ahead with the vote on the Byrd amendment. We have Senator DURBIN waiting to offer an amendment.

Mr. REID. Will the Senator yield?

Mr. SPECTER. I do.

Mr. REID. To give people a little bit of notice, Senator DURBIN is going to be one of the four votes tonight. He is going to take 10, 15 minutes to offer his amendment, which is one of the four amendments tonight. As soon as he does that, maybe we can start voting. He needs 15 minutes and the Senator from Pennsylvania needs time to speak in opposition to the amendment.

Mr. SPECTER. Mr. President, that arrangement is satisfactory. I want to be sure we do not go to the vote on Senator BYRD's amendment before we give Senator DURBIN a chance to offer his amendment with a brief reply, if necessary, on this side.

I reiterate, perhaps supplement, what has been said that we are going to be looking for at least six more amendments to debate tonight. We will be discussing with the Members during the votes their intentions, with an effort on all sides to pare down the list to the maximum extent possible.

I yield the floor.

Mr. HARKIN. Will the leader yield?

Mr. FRIST. I am happy to yield to the Senator from Iowa.

Mr. HARKIN. I thank the leader for yielding. I wish to express my thanks to the majority leader, the Democratic leader, Senator REID, Senator MCCONNELL, and, of course, my appropriations leader, Senator SPECTER, for helping to work this out. In good faith, we are going to move ahead on this bill.

I concur with everything our majority leader has said. I believe we can move ahead. I believe we can get these votes in tonight. We can have debate on a number of amendments, and we can stack them for votes in the morning. I see no reason why we cannot finish this bill tomorrow night. I will make every effort to make sure that is accomplished.

Again, I want to make it clear, that after Senator DURBIN offers his amendment and makes his speech, we could then move to four amendments we can vote on quite rapidly. That will be Senator BYRD's amendment on title I, Senator KENNEDY's amendment on Pell grants, Senator DODD's amendment on Head Start, and Senator DURBIN's amendment on global AIDS.

For those Senators who may be watching in their offices right now and their staffs, we are going to move ahead very aggressively on this bill. We have a number of amendments people have contacted me about, stating they want to offer them and on which they want a vote. If Senators want to offer an amendment and get a vote on it, be here this evening and offer that amendment and debate it. We will stack it in the morning because after tomorrow morning, things are going to move pretty rapidly. We know how things go.

I am saying: A word to the wise. If any Senator has an amendment and wants to offer it and wants an up-or-down vote, I respectfully suggest and hope they will come over this evening and offer that amendment so we can vote on it in the morning.

Mr. DORGAN. Mr. President, may I ask the majority and minority leaders, who are in the Chamber, a question about another scheduling item? I understand there is no unanimous consent request pending with respect to this bill, and I understand the desire to finish this appropriations bill. I am a member of the committee and know we have a lot to do, so I am fully supportive of moving ahead and finishing this bill.

As the leaders know, there is a privileged resolution on the calendar dealing with the Federal Communications Commission rules and the resolution of disapproval. I filed that with a discharge petition with 35 signatures. It is bipartisan. We will need time to have a Senate vote on that. This is attendant to a 10-hour period for debate and then a vote on the resolution of disapproval on the rules that the FCC has now developed dealing with broadcast ownership.

These are very controversial. This is a very important issue. I have spoken with both the majority and minority leaders previously about this. I ask the majority and minority leaders if we can expect at some point in the next day or so to set a time so the Senate will know when we will vote on the resolution of disapproval.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, this is, in part, related to the Democratic leader's request about order of business. The Dorgan issue will be brought up at a mutually agreed time, and I think we will have an opportunity to do that this week. Depending on how things go tonight and tomorrow night, that means we have Thursday and Friday which, when we complete the bill tomorrow night, the agreement is we will not be voting Thursday or Friday. I think what we might well consider is doing the Dorgan bill Thursday or Friday. Again, I am a little hesitant because Thursday there is so much going on in terms of ceremonies, although I know we will be in session Thursday afternoon—we will be in session all day—but Thursday afternoon there is a block of time, or Thursday night or Friday. I would like to move to another appropriations bill on either Thursday or Friday. I think we can work that out. We would probably vote Monday night, if that is a reasonable time. We will have other votes Monday night because if we go to an appropriations bill, likely we will have several votes Monday evening.

Mr. DORGAN. Mr. President, it is my intention to be cooperative, and I want to finish the appropriations bill as well. I think we can work in a way that gives the Senate an opportunity to know when the vote will occur. We can find a way to do the debate and give us an opportunity to weigh in on this issue.

Incidentally, it is the Dorgan-Lott proposal. It is bipartisan, with many Members of the Senate from both sides

of the political aisle. What I hear correctly is we probably could get some final arrangements for a vote next Monday evening. That makes great sense to me. Then we can have the debate between now and that period. I am only interested in nailing this down so Senators understand exactly what will happen.

I thank the majority leader for his response.

Mr. FRIST. Mr. President, I believe we are ready to proceed. Thus, I ask unanimous consent that the vote in relation to the Byrd amendment No. 1543 occur at 5:50 this evening, with 15 minutes for Senator DURBIN and 5 minutes for Senator SPECTER, and that there be no amendment in order to the amendment prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 1591 TO AMENDMENT NO. 1542

Mr. DURBIN. At the conclusion of my remarks, I will offer an amendment which I understand will be fourth in order for voting tonight.

I rise today to offer an amendment to fulfill our pledge to the millions of people around the world, in Africa in particular, who suffer from HIV/AIDS.

AIDS is fast becoming the worst plague the world has ever endured. Already, 25 million people have been killed by the disease. These charts have been provided to us by the United Nations World Health Organization. If we will look at these startling numbers, they indicate the number of adults and children newly infected with HIV during the year 2002: 3.5 million in sub-Saharan Africa; 700,000 in South and Southeast Asia; 270,000 in East Asia; 150,000 in Latin America; 250,000 in Eastern Europe and Central Asia. The numbers of newly infected people last year are truly startling.

Take a look at those who are living with HIV/AIDS at the end of the year 2002: 29.4 million in sub-Saharan Africa; 1.2 million in East Asia; 6 million in South and Southeast Asia; 1.2 million in Eastern Europe and Central Asia; almost a million in North America. The numbers are startling.

Then, of course, the mortality tables really tell an equally sad story. The estimated adult and child deaths from HIV/AIDS during the year 2002: 2.4 million in Africa. I know what happens when these numbers are read. Eyes glaze over, minds turn numb, and one thinks, I cannot calculate all of these numbers.

If you had been there, as I and so many of my colleagues have been, to meet with the families who are infected, who understand that they have a death sentence from HIV/AIDS, families who show extraordinary courage every single day getting up and doing their work, realizing they will never be able to afford the medicine necessary to prolong their life, families trying to keep it together with their children for that last moment, realizing their time

will soon come, you would never ever forget it.

The statistics, as I said, may be something that numbs our mind but, frankly, for those who seen it firsthand, as I have, they will never forget it. As parents are dying, 14 million AIDS orphans have been left without the care and support they need. Unless we act soon, there will be 25 million AIDS orphans. Each year, the world loses a population greater than the city of Chicago because of AIDS.

We know how to stop the deaths. In his State of the Union Address, President Bush made a 5-year pledge of \$15 billion to help millions of AIDS sufferers in Africa and around the world in fighting the AIDS epidemic. Listen to what he said:

We can turn our eyes away in resignation and despair, or we can take decisive, historic action to turn the tide against this disease and give hope of life to millions who need our help.

Unfortunately, the President's solid and courageous rhetoric was not backed up by his own budget request. His budget this year falls nearly \$1 billion short of the \$3 billion for the coming year that is needed to meet the 5-year \$15 billion pledge.

Sadly, the President's shortchanging on AIDS will cost lives. The additional \$1 billion we seek to restore today will put 1 million people on treatment and prevent 2.5 million new infections.

In July of this year, Senator JEFF BINGAMAN of New Mexico, a real leader on this issue, asked us to enact a sense-of-the-Senate resolution to tell the world, listening carefully to what we have to say on this issue, what we believe. Senator BINGAMAN offered a very courageous resolution, as follows:

It is the sense of Congress that Congress, when considering appropriations Acts for fiscal year 2004, should fully appropriate all the amounts authorized for appropriation in the Act, even to the extent that appropriating such amounts will require Congress to appropriate amounts over and above the funding levels in the Concurrent Resolution on the Budget. . . .

Senator BINGAMAN said we should put \$3 billion into this fight on AIDS as we promised, and he said we should do it even if it violates the budget resolution.

What happened to Senator BINGAMAN's resolution? It passed with 78 Members voting in favor of the resolution.

The Members who stood up and said they are prepared to vote for \$3 billion to fight the global AIDS epidemic include the chairman of the subcommittee on appropriations which brings this bill to the floor, Senator SPECTER of Pennsylvania; the Republican majority leader, Senator FRIST, his assistant leader, Senator MCCONNELL of Kentucky; as well as the Presiding Officer from Georgia. All of these Senators and many more voted in favor of this resolution, saying they were prepared to stand up and vote for \$3 billion to fight for AIDS. In just a few minutes, they are going to have

that chance. They will be able to demonstrate to the world that what they voted for in the Bingaman amendment was more than just posing for holy pictures, that they were in fact prepared to cast the vote even if it broke the budget resolution because the AIDS epidemic was that powerful and that overwhelming.

With those 78 votes, this Durbin amendment should pass easily. Maybe I do not even need to complete my speech, but on the off chance that some of my colleagues might be thinking of changing their minds—having voted for the Bingaman resolution and now given a chance to actually vote for the money, decide they want to vote the other way—let me tell them why they should not. Remember what the President himself said:

We care more about results than words. We're interested in lives saved.

Now is our opportunity to go beyond words and fulfill the pledge the President made in his State of the Union Address and the pledge we made in the Senate this last July. Keeping our promise and fighting against AIDS is in America's interest. AIDS is not just a humanitarian crisis, it is a security crisis. Living up to President Bush's promise on AIDS is important for showing the world we will keep our commitments.

As the CIA Director recently said when asked is AIDS a security issue, Director Tenet said: You bet it is. With more than 40 million people infected right now, a figure that by 2010 may reach 100 million, AIDS is building dangerous momentum in regions beyond Africa. As this disease spreads, it unravels social structures, decimates populations, and destabilizes nations around the world.

The National Intelligence Council found that in five of the world's most populous nations, the number of HIV-infected people will grow to an estimated 50 million to 75 million by the year 2010.

AIDS is particularly devastating to national armies around the world that ensure the stability of their nations. In South Africa, according to the Rand Institute, some military units have infection rates as high as 90 percent. Keeping our promise on AIDS to the world is not only the compassionate thing to do, it is the smart thing to do in terms of national security as well.

Today, we have a chance to change the course of the AIDS pandemic by providing \$3 billion, as promised, in the next fiscal year. The amendment I am putting forward would close the gap between the rhetoric of our promise in the State of the Union Address and our 78 votes on the Senate floor and the real needs of AIDS sufferers by fully funding the \$3 billion. The amendment provides \$939.7 million to close the gap and fully fund this \$3 billion pledge.

The stakes could not be higher. Let me quote Majority Leader FRIST who said recently:

History will judge whether a world led by America stood by and let transpire one of

the greatest destructions of human life in recorded history or performed one of its most heroic rescues.

Senator FRIST is right. In just a few moments, with the Durbin amendment, on a bipartisan basis, we can say to the world we will not stand idly by and make budgetary excuses about an epidemic that threatens our world; we will come to the rescue as we promised.

Instead of fulfilling this pledge, unfortunately, the White House is claiming that the full amount cannot be spent in the next year. All the leading development organizations and medical authorities have rejected this White House claim. This week in Roll Call, a newspaper on Capitol Hill, all—and I underline “all”—of the leading relief and development organizations in the United States placed an ad endorsing the fact that the full \$3 billion could be well spent. Don't fall for the argument: That \$3 billion, they won't know what to do with it.

The fact is, there are ample opportunities to stop the spread of AIDS right now. There are not enough funds available, and \$2 billion does not meet the global need. By putting in the full \$3 billion we promised, we will save lives. By not appropriating that money, lives will be lost, more people affected, and more AIDS orphans to populate this troubled world.

The White House is also ignoring the capacity of the Global Fund to fight AIDS, TB, and malaria, the most effective tool we have to beat AIDS. The Global Fund that is chaired by the Secretary of Health and Human Services, a member of President Bush's Cabinet, Secretary Tommy Thompson, is scaling up successful programs on the ground in Africa and is working to stop the wave of the pandemic in India. It needs hundreds of millions of dollars this fall to fund the grant applications which they know will work to slow down the spread of AIDS.

The White House should not forget the extraordinary needs of AIDS orphans. According to a soon-to-be-released report by the Earth Institute at Columbia University, orphans and vulnerable children need \$15 billion each year for basic health, education, and community services. The Global HIV Prevention Group found that AIDS prevention spending falls \$3.8 billion short of what is needed by 2005. Although we can spare the lives of babies with AIDS for the price of a Sunday newspaper in the United States, only 5 percent of the women at risk have access to medication to prevent mother-to-child transmission.

I say to my 78 colleagues who voted for the Bingaman amendment just a few weeks ago, understanding that to meet the \$3 billion funding request might cause us to go beyond the allowed amounts in the budget resolution, you, including my friend from Pennsylvania, who is the chairman of this subcommittee, voted in the affirmative and said you understood the seriousness of this challenge. You were

prepared to take an extraordinary step on the floor of the Senate for an extraordinary challenge which faces the world.

Have they forgotten? Will the rollcall reflect political amnesia on the part of my colleagues or will they stand strong and stand tall for the position that they took not that long ago when we voted on this Bingaman amendment just a few weeks back?

I hope they will join me and commit to fully funding the \$3 billion to fight AIDS. We have a unique chance to change the future and save lives. It is in our hands.

Today, a 15-year-old boy in Botswana faces an 80-percent chance of dying of AIDS. I have been to Botswana. This wonderful country unfortunately has a clouded future because of the specter of AIDS which hangs over it today. If we act now, we can change the future for these children before it is too late. I beg my colleagues in the Senate, please look beyond the sterility of this budget resolution. Look in your heart and realize, as Senator FRIST has said, we cannot stand idly by. We cannot make procedural arguments. We cannot find any comfort or refuge in some procedural element that suggests maybe we can't afford it. We know better.

We voted with Senator BINGAMAN. I hope my colleagues will join me in voting for this amendment.

I ask unanimous consent Senator MURRAY be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I don't know if it is appropriate now to ask that the amendment be read by the clerk?

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Mr. DASCHLE, Mr. LEAHY, Mr. BINGAMAN, and Mrs. MURRAY, proposes an amendment numbered 1591.

Mr. DURBIN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funding for the prevention, treatment, and control of, and research on global HIV/AIDS)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 for the prevention, treatment, and control of, and research on HIV/AIDS, in addition to funds appropriated in this Act and under the heading “Global AIDS Initiative” in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004, \$939,700,000, to remain available until expended: *Provided*, That funds appropriated under this section that are made available for the Global Fund to Fight AIDS, Tuberculosis, and Malaria shall be made available in accordance with sections 202(d)(1) and 202(d)(4) of the United States Leadership Against HIV/AIDS, Tuber-

culosis, and Malaria Act of 2003 (Public Law 108-25): *Provided further*, That if the President certifies to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives that the funds provided under this section can not be effectively used to implement HIV/AIDS prevention or treatment programs or programs that improve health care infrastructure to more effectively deal with the HIV/AIDS pandemic, then the funds provided by this section shall be returned to the Treasury: *Provided further*, That the amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$7,834,899,000: *Provided further*, That the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$5,843,601,000: *Provided further*, That of the funds appropriated in this Act for the National Institutes of Health, \$330,000,000 shall not be available for obligation until September 30, 2004.

Mr. DASCHLE. Mr. President, I rise in strong support of the Durbin amendment regarding the global AIDS fight. I commend Senator DURBIN for his brave leadership on this issue.

Less than 4 months ago, the President signed into law a bill authorizing his administration to spend \$3 billion for the next 5 years on a comprehensive program to combat AIDS. Congress passed this legislation in response to the President's call for action in his State of the Union address. Legislators on both sides of the aisle commended the President for his leadership and vision in recognizing the need to launch a major offensive against the spread of a disease that has already killed 25 million people worldwide, and infected 42 million more.

Unfortunately, President Bush's call to action proved to be nothing more than empty rhetoric. Despite Congress's commitment to combating AIDS, President Bush's own budget request has fallen far short of his promises, seeking under \$2 billion, more than \$1 billion less than what he is authorized to spend.

President Bush argues that the full \$3 billion amount cannot be invested effectively in the fight against HIV/AIDS, citing the lack of administrative infrastructure in Africa and other regions plagued by the disease. He says that he does not believe Africa and Asia can absorb so much in the way of resources for the fight against AIDS.

I wholeheartedly disagree. I traveled to Africa last summer and visited with health care workers and their patients at Africa clinics in South Africa, Botswana, Nigeria, and Kenya. I saw the overwhelming positive impact of voluntary counseling and testing programs on women in Soweto and Nairobi and Kasane. Those who test positive are taught to prevent the virus's spread, and those who test negative are taught to stay virus-free. I saw how Nevirapine can save a child's life when it prevents mother-to-child transmission of the virus. I saw what we in the United States now consider a standard course of anti-retroviral drugs rescue an AIDS-ridden man from the virtual throes of death.

My trip to Africa showed me clearly that what Africa needs to fight AIDS is



not fewer resources, but more. I believe that the \$3 billion Congress has authorized not only can be spent, but is desperately needed.

First, the Global Fund to fight AIDS, TB and malaria assures us it can put millions of dollars of additional resources to critical use immediately. Moreover, as the President argued in France earlier this spring, additional investments in the Fund from the United States will pressure our friends in Europe and Asia to contribute their fair share to this fight.

Second, additional resources can dramatically expand the remarkable training programs the United States runs through the CDC, NIH, and USAID, particularly in those countries not included in the President's Emergency Plan for AIDS Relief covered, so that we can jumpstart our efforts to improve health infrastructure in those countries already struggling with HIV/AIDS—and those, like India, we know soon will be.

Third, we ought to vastly expand education programs in schools and universities throughout Africa, Asia, and Eastern Europe, increase the voluntary counseling and testing centers that have already helped thousands of AIDS-positive men and women, and expand the work of those centers to provide treatment for those who need it. As the Washington Post reported recently about local women overturning that country's tradition of the sexual healer, women armed with information and options will halt the transmissions of this deadly disease.

It's easy to become overwhelmed by the sheer magnitude of the problem. Misinformation and misguided traditions exacerbate this crisis and absolutely must be addressed. But there are thousand of public health experts and community leaders across Africa and Asia who understand the problem and are ready to take these concrete steps to save millions of lives—if they only had the resources. We cannot hide from the fact—nor should we want to—that if we make an investment now, we have the opportunity to avoid a tragedy of far greater proportions. For example, since the President's historic announcement in January, new studies have found what we feared may be the case—the epidemic is moving with a vengeance into huge population centers like India, where U.S. HIV/AIDS assistance remains inadequate—and we remain unprepared.

Senator DURBIN's amendment will restore AIDS funding to the full level authorized in this chamber earlier this year. It says, very simply, that we will fulfill our promise. I commend the Senator for his commitment to seeing the U.S. lead the world in this essential fight, and I encourage my colleagues to cast their votes for saving lives.

Mr. LAUTENBERG. Mr. President, I rise to offer my overwhelming support for Senator DURBIN's amendment on AIDS funding, of which I am a co-sponsor. I urge my colleagues to vote on

this matter based on principle rather than politics. This amendment does nothing more than fulfill President Bush's promises to the international community that he made this year in his State of the Union Address.

In January, President Bush called on Congress to increase U.S. funding for global anti-AIDS work to \$15 billion. In the spring, he signed a bill authorizing \$15 billion over the next 5 years. And he spoke often of this comment during his recent trip to Africa, the continent hardest hit by the AIDS plague.

But while the President signed a bill to authorize this important and critical cause, he failed to appropriate adequate funding for it. While signaling his intent to help deal with the global AIDS crisis, he did not back his intentions with actions.

Senator DURBIN's amendment holds the administration's feet to the fire. It will fully fund the \$3 billion authorized to combat HIV/AIDS in Fiscal Year 2004. This should be an easy vote for my colleagues, who seemed to support the AIDS authorization bill in May.

Some of my colleagues have registered concern that we cannot fully appropriate funding this year to the authorized level because the necessary humanitarian and non-governmental organizations would not know how to handle so much money so soon. With all due respect, this is just not accurate.

The Global Fund to Fight AIDS, Tuberculosis, and Malaria, which was established with support by this administration, is inundated with applications for international AIDS/HIV treatment, vaccination, and public education projects that cannot even be read because of the scarcity of funds.

AIDS killed 2.5 million Africans in 2002. Current infection rates in Africa, Asia, Central Europe and elsewhere are staggering. I urge my colleagues to recognize the awesome responsibility they hold to save lives and to support this amendment.

Mr. LEAHY. Mr. President, I strongly support this amendment, of which I am a cosponsor, and I commend my friend from Illinois who has been so passionate, and so relentless, in seeking additional funding to combat AIDS.

Senator DURBIN has been carrying on this fight for several years. He has offered amendment after amendment. He has urged the White House to declare AIDS an emergency, which we all know that it is. And time and again he has been opposed, by the White House and some in the Congress. I hope that does not happen again today.

This debate is not about whether AIDS is a catastrophe of historic proportions. It is not about whether it is the worst public health crisis in history. There is no dispute that 15,000 people are becoming infected with this deadly disease each day, that over 42 million people are already infected, and that over 25 million people have already died.

Nor is this debate about what needs to be done. We know what types of pre-

vention programs work, and that it depends on the culture and practices in each country. We know that only a tiny fraction of people infected are receiving treatment, and that care often amounts to nothing more than a hospital bed, if that.

We know that in many countries, where the infection rate is increasing and where there are already millions of AIDS orphans, faith-based and other private voluntary organizations are working around the clock, with nowhere near the staff or resources they need.

There are countless examples of grandmothers struggling to care for a dozen orphaned grandchildren, or children as young as 9 years old caring for their younger siblings.

We know that no country is immune, and that the number of people infected is increasing exponentially, especially in Asia.

We also know that people infected with HIV often succumb to tuberculosis, which is rampant in many countries, including drug resistant TB. And we know that malaria kills 1 million people each year, mostly African children. Many of these deaths could be prevented. An estimated 500 million people get sick from malaria each year.

Again, this debate is not about any of that. Rather, it is about whether the United States should spend \$2 billion in 2004 to combat AIDS, tuberculosis and malaria, or \$3 billion.

Earlier this year, at the U.S. Coast Guard Academy, the President spent a good deal of time talking about the global AIDS crisis. I commend him for that, and for going to Africa, where he highlighted the suffering caused by AIDS there.

President Bush has shown real leadership on AIDS, although Senator DURBIN and I and others have been pushing for stronger action on AIDS for years.

A short time after the President's Coast Guard Academy speech, we passed the United States Leadership Against AIDS, TB and Malaria Act, which authorized \$15 billion over 5 years. That was consistent with what the President proposed in his State of the Union address back in January. It was an important step. It showed that we are beginning to take AIDS seriously.

But that was an authorization bill. It did not appropriate any money. For all intents and purposes, it was like writing a check without enough money in the bank.

The President's budget for 2004 contains only \$2 billion of the \$3 billion we authorized for AIDS.

The United States Leadership Against AIDS, TB and Malaria Act also called for up to \$1 billion for the Global Fund to fight AIDS and TB and Malaria. Again, a promise. For 2004, the President only budgeted \$200 million for the Global Fund, which is one-fifth of the amount authorized. It is also a cut of \$150 million from what was appropriated last year.

There is another problem. While the President's 2004 budget for Foreign Operations includes approximately \$1.3 billion to combat AIDS, TB and malaria, it robs Peter to pay Paul to pay for increases in these programs. The President's budget would cut other essential global health programs.

Child survival and maternal health programs would be cut by 12 percent. These are the programs that provide lifesaving child immunizations. They help to prevent the 600,000 pregnancy-related deaths each year that could be avoided. The President's budget cuts these programs by 12 percent.

It would cut programs to combat other infectious diseases like measles, SARS, or ebola, by 32 percent. Measles kills 1 million children not 100,000 or 200,000 but 1 million children a year. Again, this disease is easily preventable.

These are not my numbers; these are the administration's numbers. These numbers are in the President's budget.

Anyone who knows anything about public health knows that building the health infrastructure in developing countries is essential if you are going to fight AIDS. It is the same with child nutrition. It is the same with maternal health. You don't fight AIDS in a vacuum. It isn't an either/or proposition. People who are malnourished, who are in poor health, who have weak immune systems, who are at risk of other infections, are far more vulnerable to AIDS. It is common sense.

Senator MCCONNELL and I were able to restore the funds for these other global health programs. In fact we increase funding to combat other infectious diseases, and to support child and maternal health. But because of that, we did not have additional funds to fight AIDS. That is why we need this amendment.

Senator DURBIN's amendment builds on an amendment in July by Senator BINGAMAN to the State Department Authorization bill. That amendment, which passed 78-18, called for full funding—\$3 billion—for the first year of the President's \$15 billion AIDS initiative, even if it means exceeding the budget ceilings.

His amendment would provide an additional \$984 million that we already authorized. That is what we said we would do when we passed the AIDS authorization bill, and again when we passed the Bingaman amendment. Senator DURBIN's amendment would do it.

If we are going to lead, and especially if we are going to ask others to do more, we are going to have to stop playing shell games with the foreign aid budget. We are going to have to start doing what we say.

We are spending over \$4 billion each month in Iraq. This amendment would provide an additional \$1 billion for the year to combat the worst health crisis in world history. Americans are threatened with AIDS not just in this country, but every time they travel abroad.

I have traveled to Africa, to Haiti, to Vietnam and China, to Central Europe

and the former Soviet Union. I have seen how AIDS is ravaging those countries.

In all my travels, and in all my conversations with the leaders of those countries and with public health experts—from the Gates Foundation, to USAID, to the World Health Organization, to the directors of America's public health institutions, to the private voluntary and faith based organizations doing the work in those countries, I have never met anyone, no one, who believes that the additional funds provided by this amendment could not be well spent.

No one who works in the field or AIDS prevention and treatment, or TB or malaria, who I have spoken to, believes that we do not need these additional funds. We need them now, not a year from now.

The White House argues that \$3 billion could not be spent effectively in combating AIDS in the 14 countries where it plans to focus. They may be right, but that is not what the United States Leadership Against AIDS, TB and Malaria Act says. Why limit our efforts to 14 countries, when 5 times that many countries are being ravaged by these diseases? Why ignore the other two dozen countries in Africa, or Russia, or China or India where AIDS is spreading out of control? It makes absolutely no sense. It is a false argument.

Fighting AIDS is not about 14 countries. There are dozens of countries that need help, and if there are not enough trained people or infrastructure, we should help build that capacity. We should train more people and provide the vehicles, the testing equipment, the drugs, to carry out effective prevention and treatment programs. Ask anyone working in public health in those countries, and they will tell you what needs to be done.

I really cannot understand the White House's argument. It is not based on fact. It is not based on reality. It is not based on public health.

Is it because they don't want to spend the money? We are paying far more today to fight AIDS than if we had faced up to this disease back when it was just beginning. We wasted two decades, and 25 million people died, in part because we and others failed to act. We will spend far more tomorrow if we do not do what is needed today.

That is what this amendment does. I commend the Senator from Illinois. I urge the White House not to oppose this amendment. I urge the majority leader to support it. He recently traveled to Africa and saw the same tragic consequences of AIDS that many of us have seen there. We need to work together. Let's not make the same mistake again.

The PRESIDING OFFICER. Who yields time?

Mr. DURBIN. It is my understanding I have control of the time until 15 minutes before 6, and I yield to the Senator from Florida.

The PRESIDING OFFICER. The Senator has 2 minutes remaining. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I support the Senator and his amendment. There are certain things in life, if we apply our efforts, our research, our development, our technology, we can ultimately lick. One of them that, of course, we are working real hard on is cancer. One of them, another big killer, is heart disease. And clearly the plague of AIDS is one of them.

I support the Senator and thank him for bringing this amendment to the floor.

At the appropriate time I would like to address another amendment with the manager.

I yield the floor.

Mr. DURBIN. Mr. President, in the remaining few seconds I have under the unanimous consent agreement, I urge my colleagues on both sides of the aisle to help us. We heard from the President the other night. We need to rally as a nation to put up our resources where we made our commitment in Iraq. We made a commitment, as well, through the President and through the Senate, to deal with the global AIDS crisis.

Frankly, I think it would be difficult for us to explain how we can find \$87 billion in Iraq and not find the \$3 billion that the President promised to the world, and we in the Senate stood behind him by a vote of 78 in favor to support. This will be our chance to do it.

When we do it, we will be able to look back at this moment as not only doing the right thing, but doing something very important for generations to come.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON of Florida. Mr. President, I request of the manager of the bill I be given some opportunity to speak on another amendment, but at his pleasure. I will speak whenever he would prefer.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, if I may respond to the Senator from Florida, we are now moving ahead to the 5 minutes on my time, in response to the Senator from Illinois. We are then going to proceed to four votes. But we will be here following those votes. We are looking for amendments, and we will put the Senator from Florida first on the list following the votes.

Mr. NELSON of Florida. I thank the Senator.

Mr. SPECTER. Mr. President, I ask unanimous consent that immediately following the vote in relation to the Byrd amendment, the Senate proceed to a vote in relation to the Kennedy amendment, No. 1556, to be followed by a vote in relation to the Durbin amendment, No. 1591; further, that no amendments be in order to the mentioned

amendments prior to the votes. I also ask unanimous consent there be 2 minutes equally divided for debate prior to the second and third votes in sequence. And, finally, I ask unanimous consent the last two votes in this sequence be limited to 10 minutes each.

I ask unanimous consent for that.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, we think this is a tremendous step forward. However, we are trying to get a fourth vote as the two leaders have requested. Both of those amendments are those by the Senator from Connecticut, the senior Senator from Connecticut: one dealing with Head Start and one dealing with special education. The one on Head Start he has not offered yet, but he wanted to do that tonight. There was a time period—we were told we could not do that because there was a second-degree amendment. We next come to the special education amendment, No. 1572. We are told the same thing.

We are in good faith trying to move this bill. But we can't be expected to meet the impossible. We have waited here a couple of days trying to move this stuff forward. We come up with amendments and people say we can't let you do that one. We are doing our best to meet the suggestion of the Senator from Tennessee, the majority leader. We asked Senator DODD, and he has agreed to do it in 20 minutes evenly divided—Head Start.

Mr. DODD. Reserving the right to object, Mr. President, I was just informed of a different proposal than I was operating under when I had the discussion with the distinguished minority whip and the ranking member of the chair of the committee. If you will give me 2 minutes to resolve the conflict, which

of these matters should be dealt with tonight or tomorrow, we could come right back to this. I am sure we will get an agreement. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator does not have the floor and cannot suggest the absence of a quorum. Is there objection?

Mr. REID. There is no objection at this point to the unanimous consent request. We hope we can add to it.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I believe in short order we will be able to work out an additional portion of the unanimous consent for the vote on the Head Start amendment.

Mr. DODD. I hope so, yes.

Mr. SPECTER. We will sequence that prospectively fourth in line for another 10-minute vote. The expectation is there will be a short time for debate, expected to be 10 minutes equally divided.

Mr. DODD. Something like that.

Mr. SPECTER. We can work that through in just a few moments.

Mr. REID. We can announce that prior to the next vote beginning.

Mr. SPECTER. We can.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SPECTER. Mr. President, inquiry: Do I now have 5 minutes to respond to the Durbin amendment?

The PRESIDING OFFICER. The Senator has 1 minute 18 seconds remaining.

Mr. SPECTER. Mr. President, I agree a great deal with what the Senator from Illinois has said about funding on HIV/AIDS. Just a few months ago, the Senator from Illinois and I offered an amendment of \$700 million on the for-

eign aid bill. Before it became generally recognized that there should be major U.S. appropriations for AIDS, the President included in his State of the Union speech a program for \$15 billion. As much as I would like to see another \$900 million-plus added, we simply do not have it in the budget resolution. We are now up to the amount of \$137.6 billion in the budget resolution and in the allocation.

I think it is important to note that we have in this bill in excess of \$14 billion.

I ask unanimous consent that a table be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### GLOBAL HIV/AIDS FUNDING

[Dollars in thousands]

	FY 2003 final	FY 2004 request	FY 2004 Senate
CDC Global AIDS Program .....	\$142,569	\$143,763	\$142,569
CDC Int'l Applied Prevention .....	11,000	11,000	11,000
Mother-To-Child Transmission .....	40,000	150,000	90,000
Global Fund for HIV/AIDS .....	100,000	100,000	150,000
Bilateral TB and Malaria .....	15,000	15,000	15,000
NIH Global AIDS research .....	252,300	274,700	274,700
Global AIDS in the workplace .....	10,000	.....	10,000
Total .....	570,869	694,463	693,269

#### TOTAL HIV/AIDS FUNDING IN THE FY 2004 SENATE LABOR-HHS BILL

[Dollars in thousands]

Health Resources & Services Administration .....	\$6,996
Centers for Disease Control & Prevention .....	932,189
National Institutes of Health .....	2,869,858
Substance Abuse & Mental Health Services .....	171,774
Agency for Healthcare Research & Quality .....	1,800
Office of the Secretary .....	63,113
Global Fund for HIV/AIDS .....	150,000
Ryan White CARE Act Programs .....	2,041,599
Total Discretionary Including Ryan White .....	6,237,329
HIV/AIDS Services in Medicare and Medicaid .....	7,800,000
Grand Total in Labor-HHS bill .....	14,037,329

[In thousands of dollars]

Program	FY 2003 ap- propriation	FY 2004 bud- get request	FY 2004 Sen- ate
Subcommittee—Foreign Operations:			
Child Survival Assistance for bilateral programs .....	591,500	650,000	500,000
Other Economic Assistance .....	38,500	40,000	50,000
Bilateral Malaria & AIDS .....	105,000	105,000	105,000
State Department Global AIDS Initiative <sup>1</sup> .....	.....	450,000	700,000
Global Fund Contribution .....	250,000	100,000	[250,000]
Other .....	2,000	1,500	2,000
Total Foreign Operations .....	987,000	1,346,500	1,357,000
Subcommittee—Labor-HHS:			
CDC Global AIDS program .....	142,569	143,763	142,569
CDC Mother to Child Transmission .....	40,000	150,000	90,000
CDC International Applied Prevention Research .....	11,000	11,000	11,000
NIH International Research .....	252,300	274,700	274,700
DOL AIDS in the workplace .....	10,000	.....	10,000
Global Fund Contribution from NIH .....	100,000	100,000	150,000
CDC Malaria & Tuberculosis .....	15,000	15,000	15,000
Total Labor-HHS .....	570,869	694,463	693,269
Subcommittee—Defense: DOD HIV/AIDS education w/African Armed Forces .....	7,000	.....	.....
Subcommittee—Agriculture: Section 416(b) Food Aid .....	25,000	.....	.....
Total—All Subcommittees .....	1,589,869	2,040,963	2,050,269

<sup>1</sup> Includes up to \$250 million for Global Fund.

Total to Global Fund is \$400,000,000 (\$250 million from Foreign Ops & \$150 million from NIH).

Mr. SPECTER. Mr. President, we have an additional \$4 billion from other Departments.

I ask unanimous consent that a chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### HIV/AIDS PROGRAM LEVEL 2002–2004

[Dollars in millions]

	2002	2003	2004
HHS:			
HHS Discretionary .....	\$5,789	\$6,130	\$6,390
Medicaid (Federal Share) .....	4,200	4,700	5,200
Medicare .....	2,050	2,350	2,600

#### HIV/AIDS PROGRAM LEVEL 2002–2004—Continued

[Dollars in millions]

	2002	2003	2004
Sub-Total, HHS .....	12,039	13,180	14,190
All Other Government:			
Social Security—DI .....	961	985	1,014
Social Security—SSI .....	390	410	430
Veterans Affairs Department .....	391	396	402

HIV/AIDS PROGRAM LEVEL 2002–2004—Continued  
(Dollars in millions)

	2002	2003	2004
Defense Department .....	96	78	88
Agency for International Development .....	510	740	790
Justice/Bureau of Prisons .....	16	17	19
State Department .....	0	0	459
Labor Department .....	11	1	1
Education Department .....	0	0	0
Housing and Urban Development .....	277	292	297
Ofc. Personnel Mgmt.—FEHB .....	297	321	343
Sub-Total, All Other Government .....	2,949	3,240	3,834
Total, HIV/AIDS .....	14,988	16,420	18,024

Mr. SPECTER. Mr. President, we are making enormous strides with some \$19 billion. Much as I would like to see another sum added, we simply do not have the money in our resolution.

I refer to a letter from Dr. Joseph O'Neil, Director of the Office of National AIDS Policy, to Senator FRIST dated July 17 specifying—and I will not take the time to read it now—that the \$2 billion on this particular program is all that can be usefully expended.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,  
Washington, July 17, 2003.

Hon. BILL FRIST,  
Majority Leader, U.S. Senate,  
Washington, DC.

DEAR LEADER FRIST: It is my understanding that an amendment regarding funding for HIV/AIDS, tuberculosis and malaria may be offered today to the Department of Defense FY2004 appropriations bill currently under consideration on the Senate floor.

I want to reiterate the Administration's strong support for the FY2004 budget request of \$2 billion for all international HIV/AIDS, tuberculosis and malaria activities, including \$200 million for the Global Fund to Fight HIV/AIDS, TB, and Malaria. This request is a solid first step in fulfilling the President's commitment of providing \$15 billion over the next five years to address the HIV/AIDS pandemic in Africa, the Caribbean and around the world.

I recently finished traveling to Africa with the President where he saw first-hand the positive impact that current U.S. funding is having in caring for the sick, providing treatment for individuals living with HIV/AIDS and extending lives. He also witnessed the vast infrastructure and capacity challenges that need to be addressed in order to scale-up many of these efforts.

It is by careful design that the President's FY2004 budget request is for \$2 billion. This request was based on the sound judgment that funds in excess of this amount could not be spent effectively in this first year. These funds will be spent in a focused manner, increased each year, to efficiently and effectively create the necessary training, technology, and infrastructure base needed to ensure delivery of appropriate medical treatment protocols and the long term success of this initiative.

These funds are vital to our efforts to combat HIV/AIDS abroad, but must be spent in the right way, at the right time. Similarly, efforts to increase funding to the Global Fund to Fight AIDS, TB and Malaria are not appropriate at this time. Currently, the United States is responsible for over 40% of all contributions made to the Global Fund. We have reached a critical time in the Global Fund's development, and other nations must join the U.S. in supporting the work of the Global Fund.

For the reasons stated above, the Administration strongly opposes any efforts to increase funding beyond the \$2 billion requested in the President's FY 2004 budget. I appreciate your unwavering leadership on this issue and look forward to the continued strong bipartisan support of the Senate in ensuring the success of this lifesaving initiative.

Sincerely,

Dr. JOSEPH F. O'NEILL,  
Director, Office of National AIDS Policy.

Mr. SPECTER. Mr. President, I ask unanimous consent that following the last stacked vote in this sequence, Senator DODD be recognized to offer an amendment relating to Head Start; there be 10 minutes equally divided for debate in relation to the amendment; further, that following the debate, the Senate then proceed to a vote in relation to the Dodd amendment, with no amendment in order to the amendment prior to that vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1543

Ms. MIKULSKI. Mr. President, I rise in support of the Byrd amendment to fully fund title I. America's strength is our opportunity ladder. One of the strongest rungs on the ladder is our public schools. Education is what gives parents hope for their children. That is why it is so important to continue our commitment to improving public schools.

When Congress passed the No Child Left Behind Act, we placed the burden on schools to improve. It is a worthy goal—but it will be a difficult task. We knew this when we passed No Child Left Behind, and so we promised to give schools adequate resources. Yet only 1 year later, the Senate Labor, Health and Human Services, and Education bill falls far short of our commitment to providing the resources needed to make the reforms work. I have heard from teachers and parents from all over Maryland. They all tell me that they are worried about whether their school will make the grade. They are worried about how they're going to meet all the requirements in No Child Left Behind—especially in this time of budget cuts and budget crunches.

This bill shortchanges our schools and our students. I am concerned that we have lost track of what America stands for—empowerment, hope, and opportunity. Instead of funding for our schools, this Congress passed a tax cut for the rich. And guess what? The tax cut left us shackled. It left us with no money in the Federal checkbook for education.

That is why I am proud to cosponsor this amendment, which would provide an additional \$6.15 billion for title I. Title I is vital to the success of No Child Left Behind. Reforms without resources is a hollow opportunity. Fully funding title I will help our Nation's poorest schools hire more teachers, buy more computers, and implement the kind of reforms they need to improve student achievement.

There is a lot of talk about leaving no child behind. Yet today we are still fighting to make sure our children go to good schools with good teachers and up-to-date books and facilities. The No Child Left Behind Act will be a hollow promise if we don't match our rhetoric with resources. That is why this amendment is so important. We must make sure no child is left out of the budget. I urge my colleagues to vote for the Byrd amendment.

Mrs. CLINTON. Mr. President, I support the Byrd amendment, which provides \$6.15 billion in additional funding for title I grants.

Two years ago, we promised school districts that they would have the resources they needed to meet new standards mandated by the Federal No Child Left Behind Act.

As it stands, this bill fails to adequately, fund title I—the cornerstone of No Child Left Behind, NCLB. In fact, it provides \$6.15 billion below the amount promised to school districts for fiscal year 04.

This funding level in this bill is even \$334 million below the increase that was slated for title I in the budget resolution for fiscal year 04.

Children are failing in many of our schools in all of our states. These children need extended learning time. They need instruction from high-quality teachers and they need to learn in smaller classrooms.

The Byrd amendment gives schools the resources they need so that they can create the best possible condition in which all teachers can teach and all children can learn.

Today, 23.3 percent of all children in New York are living in poverty, more than all but six other States.

The proposed appropriation in this bill fails to meet the need for more resources for these children. As a result, 458,745 eligible New York children would not be fully served and will consequently be left behind.

Funding title I at its NCLB-authorized level of \$18.5 billion would provide New York with \$682,595,000 more than the current proposal.

Title I grants help school districts in all State pay for tutoring instruction, specialized services, class size reduction and other critical support services to help the neediest of all children achieve high standards.

With this funding, New York school districts can hire up to 13,379 teachers to reduce class size and provide specialized instruction in math and reading aimed at helping these needy children meet state standards.

The impact of the proposed funding level is especially felt in key cities across New York State. Without the resources provided by this amendment, 243,803 eligible children in New York City, 2,902 children in Albany, 15,222 in Buffalo, 7,362 in Syracuse and 5,887 children in Yonkers will not be fully served. These children will be left behind.

Securing these additional funds could enable districts to hire an additional 72

teachers in Albany, 385 in Buffalo, 7,862 in New York City, 312 in Rochester, 164 in Syracuse, and 159 teachers in Yonkers.

If we expect every single child to succeed there should be no exception to our commitment to turning around struggling schools. This amendment will reaffirm our commitment by giving schools the resources they need so that teachers can teach to the highest standards and all of our children can learn.

I urge my colleagues to support this amendment.

Mrs. LINCOLN. Mr. President, I rise today to speak in support of the amendment of my colleague from West Virginia to increase funding for the title I program by \$6.15 billion. By bringing the total up to \$18.5 billion, title I would be funded at the level authorized in the No Child Left Behind Act for fiscal year 2004.

The title I program is critical for disadvantaged students because it targets federal resources to the poorest school districts where Federal dollars are needed most.

In my State of Arkansas, this funding is crucial because 67 percent of students attend title I schools. These schools depend on these important funds to upgrade technology, provide professional development for teachers, and implement school-wide programs.

Like dozens of other States today, Arkansas is currently experiencing a serious budget crisis at the same time the State is expected to meet the new requirements we imposed in No Child Left Behind.

To make the situation even more challenging for my State, the Arkansas Supreme Court ruled last November that the current funding level for education in Arkansas is inadequate and that the distribution of funding is inequitable. The AR Supreme Court gave the state until Jan. 1, 2004 to comply with its order.

Arkansas is not alone. States all across the country are facing similar financial woes, which means title I funding is more important than ever.

Like title I, additional funding for IDEA is also critical to students and school districts in my State. I hear more complaints from constituents about the Federal Government's failure to meet its obligation under IDEA than any other Federal education program.

Even though Congress has increased funding for IDEA in recent years, the funding level in this bill falls far short of the promise we made in 1975 to pay 40 percent of the costs of providing a quality education to special needs students.

Currently, IDEA is an unfunded mandate, which is profoundly unfair to school districts, teachers, and the students they serve. I am disappointed that an amendment offered last week by Senator DAYTON to fully fund IDEA in fiscal year 2004 was not adopted.

For the sake of the students who depend on the services provided under

IDEA and the educators who are responsible for implementing the law, I am hopeful the Senate will have another opportunity to consider full funding either on this legislation or another bill before Congress adjourns this year.

We also need to pass meaningful legislation that will encourage more students in Arkansas and the Nation to pursue a college education. I think that promoting post-secondary education is an essential element of any effort to prepare our workforce to meet the demands of today's global marketplace.

I also believe we should continue to build on our success regarding Federal student financial assistance. That is why I am pleased to support an amendment to this bill by Senator KENNEDY that would increase student financial aid in fiscal year 2004 by \$2.2 billion, which is essential to keep up with the growth in college costs.

One of the most worthwhile financial assistance programs is the Pell grant. Since its inception in 1972, students nationwide have received enormous benefits from Pell grants, so I think we need to continue to make a larger investment in this area. The higher education funding amendment would increase the maximum Pell grant by \$450, which would give close to 2,000 more Arkansans access financial assistance for higher education.

This higher education amendment also includes additional funding for the TRIO programs, which are particularly important to Arkansas. The TRIO programs are designed to help low-income, first-generation college students prepare for, enter, and graduate from college. While student financial aid programs help students overcome financial barriers to higher education, TRIO Programs help students overcome class, social and cultural barriers. Considering Arkansas has one of the lowest percentages of residents with a four-year college degree, the more than 50 TRIO programs currently serving participants in my state provide a critical source of encouragement and support to thousands of students who might otherwise never receive their college degree.

As many of my colleagues know, for the last 3 years I have circulated a sign-on letter with the Senator from Maine to increase Federal support for the TRIO programs. Our goal is to increase the population served under these programs from 6 percent to 10 percent of eligible students. By passing the Kennedy higher education amendment, we would be making a significant downpayment on that goal.

Nearly 40 percent of the children in this country attend rural schools. These schools face enormous challenges such as teacher recruitment and retention and small student populations.

I am extremely disappointed that the Senate rejected an amendment that I supported which would have fully fund-

ed the Rural Education Achievement Program, REAP. This program recognizes the unique needs of small and rural schools while ensuring accountability. It provides essential funding that many of these schools rely on because they lack the personnel and resources to apply for competitive grants.

Last year, well over half of Arkansas' school districts received approximately \$5.6 million in total funding under this program to help meet critical educational needs. And this funding is needed now more than ever as schools strive to meet the new accountability measures of the No Child Left Behind Act.

I want to close my remarks by emphasizing my strong belief that education can be and must be a high priority for our Nation.

I was proud to support a bold reform plan for our Nation's public schools a few years ago because I believe firmly that every child deserves a chance to receive a quality education regardless of where they live or go to school.

The approach I supported created a new contract between the Federal Government and local school districts—more funding and flexibility for public schools in return for greater academic achievement for all students.

I said at the time that additional funding and reform go hand in hand—you can't have one without the other and expect to succeed.

As many of the accountability requirements of No Child Left Behind take affect, it is critical for Congress to meet its obligation to provide schools and students with the resources they need to meet higher standards.

I hope my colleagues will rise to the occasion during consideration of this bill and deliver on the promise of equal opportunity for all students.

My greatest fear is that we won't meet our obligations to our children in this bill. In the years ahead, our children will provide the workforce and leadership for our nation. Indeed, our children are our future. We don't have the luxury of waiting to fund these programs adequately at some undetermined time in the future. We should fulfill our responsibility today.

Mr. SPECTER. Mr. President, I raise a point of order under section 504 of the concurrent resolution on the budget for fiscal year 2004 that the amendment exceeds discretionary spending limits in this section and, therefore, is not in order; that is, as to the Byrd amendment on which we are about to vote.

The PRESIDING OFFICER. Under the previous order, the Byrd amendment is now pending.

Mr. REID. Mr. President, under the applicable statutes, I move to waive the point of order and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Oregon (Mr. SMITH) is absent because of death in family.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) the Senator from Massachusetts (Mr. KERRY) the Senator from Florida (Mr. GRAHAM), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mr. GRAHAM) and the Senator from Massachusetts (Mr. KERRY) would each vote "yea."

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas, 44, nays, 51, as follows:

[Rollcall Vote No. 330 Leg.]

#### YEAS—44

Akaka	Dodd	Levin
Baucus	Dorgan	Lincoln
Bayh	Durbin	Mikulski
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Boxer	Harkin	Nelson (NE)
Breaux	Hollings	Pryor
Byrd	Inouye	Reed
Cantwell	Jeffords	Reid
Carper	Johnson	Rockefeller
Clinton	Kennedy	Sarbanes
Conrad	Kohl	Schumer
Corzine	Landrieu	Stabenow
Daschle	Lautenberg	Wyden
Dayton	Leahy	

#### NAYS—51

Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Domenici	Miller
Bennett	Ensign	Murkowski
Bond	Enzi	Nickles
Brownback	Fitzgerald	Roberts
Bunning	Frist	Santorum
Burns	Graham (SC)	Sessions
Campbell	Grassley	Shelby
Chafee	Gregg	Snowe
Chambliss	Hagel	Specter
Cochran	Hatch	Stevens
Coleman	Hutchison	Sununu
Collins	Inhofe	Talent
Cornyn	Kyl	Thomas
Craig	Lott	Voinovich
Crapo	Lugar	Warner

#### NOT VOTING—5

Edwards	Kerry	Smith
Graham (FL)	Lieberman	

The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

AMENDMENT NO. 1566

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes equally divided prior to a vote on the Kennedy amendment No. 1566.

Who yields time?

Mr. KENNEDY. Mr. President, I yield myself 1 minute.

There are 4.8 million young Americans who take advantage of the Pell Program. That is \$4,050. The average cost of public university tuition has increased 10 percent. This amendment effectively provides the \$2.2 billion that will increase the Pell grant to \$4,500. That is an increase of 10 percent. Without this kind of increase, more than

100,000 students who have been admitted to colleges on the basis of merit will drop out. There is no question about it; this amendment is about opportunity. It is about hope. It is about the future of America. I hope the Senate will accept it.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, there is no doubt that the Pell grants are very important. We have increased Pell grants in the past decade, almost doubling them. And while I would like to see more money in this education budget and fought to have a greater allocation, we simply do not have it within the budget resolution to appropriate any more money. With respect to the higher education items, there is very substantial funding in TRIO, GEAR UP, Perkins, and other education programs. So as much as I would like to see this appropriation, we simply do not have the funds in the budget resolution or in the allocation of the subcommittee.

I raise a point of order under section 504 of the concurrent resolution on the budget for fiscal year 2004 that the amendment exceeds discretionary spending limits in this section and therefore is not in order.

Mr. KENNEDY. Mr. President, I move to waive section 504 of the concurrent resolution for the purpose of the pending amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be to be a sufficient second.

Mr. SPECTER. Mr. President, this is a 10-minute vote.

The PRESIDING OFFICER. This is a 10-minute vote.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Oregon (Mr. SMITH) is absent because of death in family.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessary absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 49, nays 46, as follows:

[Rollcall Vote No. 331 Leg.]

#### YEAS—49

Akaka	Carper	Dorgan
Baucus	Clinton	Durbin
Bayh	Coleman	Feingold
Biden	Collins	Feinstein
Bingaman	Conrad	Harkin
Boxer	Corzine	Hollings
Breaux	Daschle	Hutchison
Byrd	Dayton	Inouye
Cantwell	Dodd	Jeffords

Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln

Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid

Rockefeller
Sarbanes
Schumer
Snowe
Stabenow
Wyden

#### NAYS—46

Alexander	Dole	McConnell
Allard	Domenici	Miller
Allen	Ensign	Nickles
Bennett	Enzi	Roberts
Bond	Fitzgerald	Santorum
Brownback	Frist	Sessions
Bunning	Graham (SC)	Shelby
Burns	Grassley	Specter
Campbell	Gregg	Stevens
Chafee	Hagel	Sununu
Chambliss	Hatch	Talent
Cochran	Inhofe	Thomas
Cornyn	Kyl	Voinovich
Craig	Lott	Warner
Crapo	Lugar	
DeWine	McCain	

#### NOT VOTING—5

Edwards	Kerry	Smith
Graham (FL)	Lieberman	

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

AMENDMENT NO. 1591

The PRESIDING OFFICER. Under the previous order, there are 2 minutes of debate evenly divided prior to a vote on the Durbin amendment No. 1591.

Who yields time?

The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, my colleagues will remember the President's State of the Union Address, during which \$15 billion over 5 years was pledged to fight global AIDS.

This bill only provides \$2 billion. When Senator BINGAMAN offered his amendment on the floor on July 10, by a vote of 78 to 18, we said we want it to be \$3 billion regardless of the budget resolution; 45 Democrats and 33 Republicans voted for \$3 billion in spending. It can be spent. Every major organization has come forward and said the need is there, the need is now.

To my friends on the other side of the aisle, including the chairman of the subcommittee, who voted for the Bingaman resolution, if 33 Republicans will step forward today as they did July 10 for the same proposition, we guarantee our 45 Democratic votes will be there with you. Let's pass this resolution and keep our promise to fight the global war on AIDS. Stand behind President Bush's promise of \$3 billion.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I agree with the Senator from Illinois on the importance of fighting HIV/AIDS. A few years ago, Senator DURBIN and I joined together on an amendment for \$700 million before there was a general recognition of the importance of U.S. funding on AIDS and even before the President made his speech committing some \$15 million.

We have in the budget at the present time \$14 billion. We have some \$4 billion from other agencies. The Director of the Office of National AIDS Policy has expressed the view that the \$2 billion now for global AIDS is all that can be used.

Much as I would like to see additional funds, we simply do not have it in the budget resolution or in our allocation. So I must oppose the amendment, and I raise a point of order under section 504 of the concurrent resolution on the budget for fiscal year 2004 that the amendment exceeds discretionary spending limits specified in this section and, therefore, is not in order.

Mr. DURBIN. Mr. President, I move to waive section 504 of the Budget Act, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Mexico (Mr. DOMENICI) is necessarily absent and the Senator from Oregon (Mr. SMITH) is absent because of a death in the family.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 51, as follows:

[Rollcall Vote No. 332 Leg.]

#### YEAS—43

Akaka	Dorgan	Lincoln
Baucus	Durbin	Mikulski
Bayh	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Harkin	Nelson (NE)
Boxer	Hollings	Pryor
Breaux	Inouye	Reed
Byrd	Jeffords	Reid
Cantwell	Johnson	Rockefeller
Clinton	Kennedy	Sarbanes
Collins	Kohl	Schumer
Corzine	Landrieu	Stabenow
Daschle	Lautenberg	Wyden
Dayton	Leahy	
Dodd	Levin	

#### NAYS—51

Alexander	Crapo	McCain
Allard	DeWine	McConnell
Allen	Dole	Miller
Bennett	Ensign	Murkowski
Bond	Enzi	Nickles
Brownback	Fitzgerald	Roberts
Bunning	Frist	Santorum
Burns	Graham (SC)	Sessions
Campbell	Grassley	Shelby
Carper	Gregg	Snowe
Chafee	Hagel	Specter
Chambliss	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Talent
Conrad	Kyl	Thomas
Cornyn	Lott	Voinovich
Craig	Lugar	Warner

#### NOT VOTING—6

Domenici	Graham (FL)	Lieberman
Edwards	Kerry	Smith

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Under the previous order, the Senator from Connecticut is recognized to offer an amendment on which there will be 10 minutes of debate evenly divided prior to a vote.

The Senator from Connecticut.

AMENDMENT NO. 1597 TO AMENDMENT NO. 1542

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mr. KENNEDY, Mrs. MURRAY, Ms. MIKULSKI, Mr. DASCHLE, Mr. REED, Mr. BINGAMAN, Mr. LAUTENBERG, Ms. STABENOW, Mr. AKAKA, Mr. CORZINE, Mr. PRYOR, Mr. KERRY, Mr. JOHNSON, Mr. NELSON of Florida, Mrs. CLINTON, and Mrs. BOXER, proposes an amendment numbered 1597 to amendment No. 1542.

Mr. DODD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funds for Head Start)

On page 61, between lines 14 and 15, insert the following:

SEC. \_\_\_\_ (a) HEAD START FUNDING.—In addition to any amounts otherwise appropriated under this Act to carry out programs and activities under the Head Start Act (42 U.S.C. 9801 et seq.), there are appropriated an additional \$350,000,000 for such programs and activities.

(b) OFFSET.—Of the funds appropriated in this Act for the National Institutes of Health, \$700,000,000 shall not be available for obligation until September 30, 2004. The amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$7,245,199,000, and the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$6,433,301,000.

Mr. DODD. Mr. President, I offer this amendment on behalf of myself and a number of my colleagues. I will not recite the entire list of all of those who have joined with me on this Head Start amendment.

This amendment would increase the appropriation by \$350 million above the increase recommended by the Appropriations Committee over the coming fiscal year. Very briefly, what this means, in the absence of this amendment being adopted, we will have to cut the number of children who are presently in Head Start programs. With the adoption of this amendment of \$350 million, we can increase the enrollment by 36,000 children in Head Start programs across the country.

There are 19,000 centers and 50,000 classrooms. This is a program that has worked remarkably well over the past

almost 40 years. It serves children by helping them get ready to learn. It has been remarkably successful. We are still underserving a very needy population, as the Presiding Officer knows. If we do not get them started right, these are the children who drop out of school, who become teen parents, who end up in the juvenile justice system, and become people who abuse substances.

Head Start works. We are going to be reauthorizing the program in the coming year, to do a variety of things to improve the program even further. In the absence of this kind of a start, when we now know the poor population of children has been increased by 600,000 just in the last 2 fiscal years, to be reducing the number of children presently in the program would be a huge mistake. These are poor children. They come from single-parent families. They are struggling to make ends meet. Head Start gives them an opportunity to get on the right track early on before they begin a formal education.

I urge my colleagues on both sides to be able to find the resources to do this. Head Start has been remarkably successful. It deserves our bipartisan support, and I urge my colleagues to support this amendment.

I yield to my distinguished friend from Florida who would like to be heard on this issue as well.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I have been to Head Start facilities all over my State. What a wonderful little academic atmosphere for these 3-, 4-, and 5-year-olds who are starting the program, as well as those who are younger than 3. It is this little academic atmosphere where they start to learn their letters, the alphabet, and their numbers. They start to learn respect for their fellow little citizens, respect for property. In addition to that academic environment, we are looking at their health, their physical health, their mental health, their dental health.

Back in July, the House of Representatives by a 1-vote margin, 217 to 216, started to sound the death knell on this fantastically successful and wildly popular program by saying, instead of funding it directly to the Head Start centers, they were going to put it in a nice little block grant and send it to eight State legislatures and Governors.

You know the fiscal distress the States are in. You know the temptation it is going to be for those States if we ever entertain anything like that.

To the contrary, here we have an opportunity to take a stand with the amendment of Senator DODD, to say responsibly we are going to increase the Head Start Program that gets these little fellows, these little children, prepared to enter prekindergarten and the first grade.

I support the Senator's amendment.



Mr. DODD. Mr. President, I want to close by talking about the reauthorization of Head Start. We need these resources to keep trying to expand the number of children who can participate in this program. We all know the importance of getting these children ready to learn. If we end up reducing the number of children presently in the program, as we will if we accept just the language of the pending appropriations bill, it is a major setback in early education.

I yield the floor.

Ms. MIKULSKI. Mr. President, I support the Dodd amendment to add \$500 million to the Head Start Program. I have heard from communities all over Maryland that are being forced to make tough choices because funding for Head Start is inadequate. Communities have to choose between two bad options: diluting the quality of Head Start, or shutting the doors on some eligible children.

And what does President Bush propose to solve this problem? Instead of putting the resources in the budget, he proposed dismantling Head Start by handing it over to the States. Head Start is already one of the more successful Federal programs. Head Start can be even more effective than it already is. But you know what? It is going to take Federal leadership and a serious investment—not a block grant and a prayer. That is why I am proud to cosponsor the Dodd amendment.

Currently, only 60 percent of eligible preschool children are in Head Start, and only 3 percent of eligible infants and toddlers are in Early Head Start. In Maryland, about 25 percent of eligible children under 5 are in Head Start and Early Head Start. At the same time, we are trying to improve Head Start by requiring stricter teacher qualifications, by improving academic instruction, and by maintaining vital health and social services. Yet this bill provides only \$148 million more for Head Start. That is not even enough to cover inflation.

The Bush budget puts communities in a tough position. They have to choose between diluting the quality of their Head Start programs or serving fewer children. In my own State of Maryland, we are facing this kind of impossible choice. For years, Montgomery County contributed \$16 million of its own money to run a very high quality Head Start Program. But they still didn't have enough money to serve to all the low-income children in Head Start.

Recently, the county proposed using its money for a pre-K program that would serve more children. But they also proposed making cutbacks and sacrifices. They proposed cutting back on comprehensive health and family services for the new pre-K classes. They proposed shortening pre-K classes, which would mean teachers couldn't accomplish as much. And they proposed reducing the number of children in Head Start by almost half.

The Bush budget forced Montgomery County into this situation by not providing the resources to serve all children in Head Start. I think we need to put the money in the Federal checkbook so that communities won't have to make bad choices between bad options. The Dodd amendment is a step in the right direction.

You can't get more for less. You get what you pay for. We need to increase Federal funds so that all eligible children can benefit from high-quality Head Start. I urge my colleagues to support the Dodd amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I agree with the Senator from Connecticut about the desirability of Head Start. I think it is a marvelous program and the increase in appropriations reflects a doubling in the past decade. In my capacity as chairman of this subcommittee, whenever we could find an extra dollar we put it into Head Start.

In fiscal year 2000, we increased Head Start by more than \$600 million. In fiscal year 2001, we increased Head Start by \$933 million.

I just wish we had the funds available now to add the \$350 million requested by the Senator from Connecticut. For next year, we have funded an increase in Head Start for almost \$150 million. Regrettably, we are stretched very thin with respect to the budget we have here, on the budget resolution and on the allocation to this subcommittee.

My colleagues are coming to me for relatively small sums, some in tribute to former Members of this body, and we simply do not have the money. The Senator from Wisconsin wants \$1 million, not a large request in a \$137.6 billion bill, but there is just not enough money here. Being a manager of a bill has a great many challenges getting it organized and getting it in gear. But in the last 3 days I have cast more controversial votes—I would consider really bad votes, according to my own instincts of what I would like to see done—than I cast in the whole last year.

The title I Amendment offered by Senator BYRD, I voted against and I deplore the inadequacy of funding on title I. With regard to Pell grants, Senator HARKIN and I have led the way. When we pushed it up to \$4,000 a couple of years ago, the Director of OMB came to my office and threatened a broad-scale rescission of the entire bill.

I would very much like to see more money for Head Start. But we just do not have it in the resolution and we don't have it in the allocation. You can't squeeze blood out of a turnip and this bill has turned into a turnip. I don't think it is a lemon but I think it is a turnip.

Mr. President, for that reason I raise the point of order under section 504 of the concurrent resolution on the budget for the fiscal year 2004 that the amendment exceeds the discretionary spending and therefore is not in order.

Mr. DODD. I move to waive the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from New Mexico (Mr. DOMENICI) is necessarily absent and the Senator from Oregon (Mr. SMITH) is absent because of death in family.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. (Mr. TALENT). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 47, nays 47, as follows:

[Rollcall Vote No. 333 Leg.]

#### YEAS—47

Akaka	Dayton	Leahy
Baucus	Dodd	Levin
Bayh	Dorgan	Lincoln
Biden	Durbin	Mikulski
Bingaman	Feingold	Murray
Boxer	Feinstein	Nelson (FL)
Breaux	Harkin	Nelson (NE)
Byrd	Hollings	Pryor
Campbell	Hutchison	Reed
Cantwell	Inouye	Reid
Carper	Jeffords	Rockefeller
Clinton	Johnson	Sarbanes
Collins	Kennedy	Schumer
Conrad	Kohl	Stabenow
Corzine	Landrieu	Wyden
Daschle	Lautenberg	

#### NAYS—47

Alexander	Dole	Miller
Allard	Ensign	Murkowski
Allen	Enzi	Nickles
Bennett	Fitzgerald	Roberts
Bond	Frist	Santorum
Brownback	Graham (SC)	Sessions
Bunning	Grassley	Shelby
Burns	Gregg	Snowe
Chafee	Hagel	Specter
Chambliss	Hatch	Stevens
Cochran	Inhofe	Sununu
Coleman	Kyl	Talent
Cornyn	Lott	Thomas
Craig	Lugar	Voinovich
Crapo	McCain	Warner
DeWine	McConnell	

#### NOT VOTING—6

Domenici	Graham (FL)	Lieberman
Edwards	Kerry	Smith

The PRESIDING OFFICER. On this question, the yeas are 47, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The amendment falls.

Mr. SPECTER. I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPECTER. Mr. President, in our sequencing, we now turn to the Senator from Nebraska; how long does the Senator intend to speak?

Mr. HAGEL. I request 4 minutes.

Mr. SPECTER. Fine.

The PRESIDING OFFICER. The Senator is recognized.

AMENDMENT NO. 1572

Mr. HAGEL. Mr. President, I rise tonight in support of an amendment I have offered, along with my colleagues, Senators DODD and JEFFORDS and others, to increase funding for the Individuals with Disabilities Act, IDEA, part B, by an additional \$1.2 billion in fiscal year 2004. This amendment would bring the total IDEA fiscal year 2004 increase to \$2.2 billion, which was the level approved by the Senate in the fiscal year 2004 budget resolution earlier this year.

For the past 3 years, I have worked with Senators HARKIN, DODD, JEFFORDS, and many of my Republican colleagues to increase funding for IDEA. I have argued that no education funding priority is as important or will do more for States in this time of budget crisis than meeting our Federal commitment to IDEA.

As we all know, in 1975 Congress guaranteed children with disabilities the right to free and appropriate education. This meant that, whatever the cost, States and local school districts would be mandated by Federal law to provide the necessary services to educate a child with a disability. Congress understood that this Federal mandate would be costly. As a result, they agreed to provide States with 40 percent of the cost of educating these children. That was almost 30 years ago.

Unfortunately, Congress has not kept its end of the deal. While our schools continue to meet the necessary requirements under IDEA year after year, they also bear more than their fair share of the costs for complying with this law. Today, the Federal Government's commitment to IDEA is only 18 percent.

As in years past, I offered legislation with Senator HARKIN and others to ensure that the Federal Government provides for special education by making funding increases for this program mandatory. But we will have this discussion on mandatory versus discretionary funding for this program when we take up the IDEA reauthorization legislation later this year.

We are here today because, again, as years in the past, this appropriations bill has failed. We failed to keep our funding proposition. That is why we need this amendment. The fiscal year 2004 budget resolution approved by this body allowed for a \$2.2 billion increase for IDEA, part B funding. Unfortunately, the Senate Appropriations Committee underfunded this program, only providing an increase of \$1 billion.

The Dodd-Hagel-Jeffords amendment provides an additional \$1.2 billion for IDEA, meeting the approved budget increase of \$2.2 billion already approved this year.

Additionally, the amendment would put us on a realistic path to reaching our obligation to provide States and local school districts with 40 percent of the cost of educating children with disabilities.

This is the responsible thing to do. I ask my colleagues to support this amendment when it comes up for a vote tomorrow morning.

Mr. President, I thank you and yield the floor.

Ms. COLLINS. Mr. President, I rise today in support of the Dodd-Hagel-Jeffords amendment to increase funding for the Individuals with Disabilities Education Act or IDEA. I am pleased to join Senators COLEMAN, MURRAY, DORGAN, BINGAMAN, KERRY, MIKULSKI and others as a cosponsor of this amendment.

IDEA is based on two fundamental principles: first, that all disabled children are entitled to a free and appropriate public education. And second, to the maximum extent possible, these children should be educated along side their nondisabled peers.

To help States achieve these principles, Congress authorized funding at 40 percent of the average per pupil expenditures. Unfortunately, this funding level has never been realized, leaving States with insufficient resources and jeopardizing the achievement of IDEA's goals.

In 1996, the year I was first elected to the Senate, the Federal Government provided only \$2.3 billion for IDEA funding, about 7 percent. Last year, IDEA funding had risen to \$8.9 billion, about 18 percent. While clearly we have made great strides in this area, the currently IDEA funding is still less than half of the 40 percent originally promised by Congress. Over the years, this shortfall has placed a tremendous financial stress on States in providing these services, and in particular on small rural communities such as those in Maine.

As startling as these shortfalls are, they fail to fully convey the crushing financial blow which can result to a small community when a medically fragile, high cost child locates there. In these situations, school systems are often forced to cut back in services to all children, both disabled and nondisabled, in an attempt to meet their legal obligations. Unfortunately, this can result in resentment of these children by members of their own community.

Increased Federal support is desperately needed, and that is why I want to thank Chairman SPECTER for the substantial increase in IDEA funding he has included in the Senate base bill. He has included nearly a billion-dollar increase over last year's level.

Our amendment seeks to further boost this funding by providing an additional \$1.2 billion for IDEA Part B State Grants. This increase would result in a \$2.2 billion increase over fiscal year 2003 funding and will keep us on the track toward full funding. Our

amendment would also be consistent with action taking during Senate consideration of the fiscal year 2004 budget resolution, which similarly provided for a \$2.2 billion increase for IDEA. In Maine, passage of this amendment would result in a \$10 million increase over fiscal year 2003 funding levels.

With this amendment, we would raise the Federal Government's commitment to roughly 21 percent of the costs of special education. I urge my colleagues to join us in support of this amendment. Let's continue our efforts to make good on our promise and fully fund IDEA.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from New York.

AMENDMENT NO. 1598 TO AMENDMENT NO. 1542

Mr. SCHUMER. Mr. President, I rise to offer an amendment to increase the funding levels in the Ryan White CARE Act.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself, Ms. LANDRIEU, Mr. DURBIN, Mr. LAUTENBERG, Mrs. CLINTON, Mr. KENNEDY, Ms. STABENOW, Mr. BINGAMAN, and Ms. CANTWELL, proposes an amendment numbered 1598 to amendment No. 1542.

Mr. SCHUMER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funding for programs under the Ryan White Care Act)

On page 61, between lines 14 and 15, insert the following:

SEC. \_\_\_\_ In addition to amounts otherwise appropriated under this Act to carry out programs and activities under title XXVI of the Public Health Service Act (42 U.S.C. 300ff-11 et seq.), there are appropriated an additional—

(1) \$74,010,000 to carry out part A of such title XXVI (42 U.S.C. 300ff-11 et seq.);

(2) \$50,000,000 to carry out part B of such title XXVI (42 U.S.C. 300ff-21 et seq.);

(3) \$214,800,000 to carry out State AIDS Drug Assistance Programs under section 2616 of such title XXVI (42 U.S.C. 300ff-26);

(4) \$21,130,000 to carry out part C of such title XXVI (42 U.S.C. 300ff-51 et seq.);

(5) \$25,450,000 to carry out part D of such title XXVI (42 U.S.C. 300ff-71 et seq.);

(6) \$10,450,000 to carry out section 2692(a) of such title XXVI (42 U.S.C. 300ff-111(a)); and

(7) \$5,590,000 to carry out section 2692(b) of such title XXVI (42 U.S.C. 300ff-111(b)).

*Provided*, That of the funds appropriated under this Act for the National Institutes of Health, \$750,000,000 shall not be available for obligation until September 30, 2004: *Provided further*, That the amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$7,296,629,000: *Provided further*, That the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$6,381,871,000.

Mr. SCHUMER. Mr. President, I will be brief because I know we have a lot to do to finish this bill tomorrow.

This amendment increases the funding levels of all titles contained in the

Ryan White CARE Act by a total of \$401 million, with \$214 million specifically going toward the AIDS Drug Assistance Program, commonly referred to as ADAP.

The CDC estimates that nearly 900,000 people are living with HIV in the United States, and among those are 362,000 who are living with AIDS.

Forty percent of the new estimated HIV infections each year occur in the New York City metropolitan area. So obviously this has great importance to us.

Adolescents, women, and minority communities are particularly hard hit by this epidemic. Over 80 percent of the new estimated HIV infections in women occur among African-American and Latino populations.

In the last 10 years alone, the number of AIDS cases among women has more than tripled, and every hour in this country two people under the age of 25 become infected with HIV.

Now the interesting thing here is, this is not just limited to New York. Cleveland, OH, and Atlanta, GA, have been named as two hot spots for this growing trend in the increase in AIDS and HIV, particularly among women.

In his fiscal year budget of 2004, President Bush stated his goal to help reduce the number of HIV infections in the United States by 50 percent by 2005. However, the President's budget provides no new domestic prevention funding for CDC to meet this goal.

The Ryan White CARE Act provides resources to State and local health departments and community-based organizations for primary medical care, drug treatments, and supportive services for low-income, uninsured people living with HIV and AIDS.

The ADAP program provides access to vital but costly new drug treatments that have enabled many people to live longer, more productive lives.

Since 1996, the number of people served by ADAP alone has more than doubled, expenditures have quadrupled, and the need for services still outpaces available services. If we do not provide full funding for ADAPs, we will accumulate as many as 21,000 Americans on waiting lists in the next 20 months.

With no access to lifesaving drugs, they will experience HIV disease progression, they will end up in hospital emergency rooms and intensive care units, and they will incur very significant, avoidable costs to local health care systems.

Currently, Oregon, Kentucky, and Alabama have the longest waiting lists. Alaska, Colorado, Idaho, Nebraska, New York, Oklahoma, South Dakota, Washington, and West Virginia all currently have severe access limitations due to the lack of funding and will have to close enrollment sooner than they planned.

To effectively fight the spread of HIV/AIDS in the United States, America's leading organizations committed to fighting this epidemic have called for an increase of \$400 million for do-

mestic prevention activities at CDC. My amendment attempts to fill in these gaps.

As increasing numbers of people with HIV/AIDS live longer, the cost of their care and treatment places greater financial demands on State and local governments and community-based organizations. We can provide funding for these needed services through the Ryan White CARE Act.

I urge my colleagues to adopt this much-needed amendment.

Mr. President, I yield back my remaining time.

Mrs. CLINTON. Mr. President, I thank my colleague from New York for addressing the HIV/AIDS epidemic on behalf of the millions of people affected by HIV/AIDS in New York and around this country. The profound human tragedy of HIV/AIDS has exacted an incalculable economic and human toll on civilization—the Ryan White CARE Act programs have helped to fill the gaping holes in care and survival we have experienced these last few decades. This amendment will provide essential funding for those programs so that those struggling to survive each day can access necessary, life-saving treatments.

We are all familiar with the statistics—800,000 to 900,000 Americans currently live with HIV/AIDS, 77,000 in my State of New York alone. Furthermore there are a devastating 40,000 new infections in the U.S. each year.

This is why we need the \$401.43 million that this amendment would provide for the Ryan White CARE Act programs, including a \$214.8 million increase for the AIDS Drug Assistance Program or ADAP. The Ryan White CARE Act provides invaluable resources to State and community health organizations for primary medical care, drug treatments, supportive services for low-income, and uninsured people living with HIV/AIDS. Ryan White is also crucial to helping people follow complicated drug treatments, to alleviate high medical costs for people with low incomes and to combat HIV/AIDS in communities with a high degree of new HIV/AIDS cases.

It is precisely because of Ryan White CARE Act's documented success that we need to help the program survive, so they can help patients survive. Improvements in care and powerful drug therapies are well publicized and indeed many people with HIV/AIDS are living longer, more productive lives. Yet as patients live longer, the cost of their care and treatment places greater demands on community-based organizations and State and local governments. This funding is vital for health facilities and State budgets, which have come under considerable financial strain due to costly new drugs.

For example, the AIDS Drug Assistance Program, ADAP under Title II of the CARE Act was created in part to address the enormous need brought on by the advent of new combination drug therapies. However, several States

have been forced to cap or restrict access to drug treatments through ADAP, and continually deplete their ADAP budgets long before the fiscal year ends. Turning our backs on patients who have clearly benefited from better access to newer, more effective drugs would be a step backwards.

I urge my colleagues, on behalf of patients and states, to support this amendment. We need to keep one step ahead of this disease with education and prevention efforts, focusing on hard hit populations such as women and minorities, or else we risk sliding backwards in our battle. Millions continue to face the daily grind of living with this insidious disease, and it is my sincere hope that funding these programs will bring a measure of help and hope to New Yorkers and Americans who suffer each day.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I believe the Ryan White HIV/AIDS program is a very important one. I wish we had additional funding so we could accept the amendment offered by the Senator from New York, who seeks to add \$400 million to this program.

There have been very substantial increases in the program. In 1999, the program was set at approximately \$1.4 billion and that has increased to the current appropriation of \$2.041 billion.

Overall, on HIV/AIDS, in the Labor-HHS bill, we have in excess of \$14 billion. The entire bill, which we have, has an allocation \$137.6 billion. I fought to have a larger allocation, but this is the maximum appropriation we can make within the budget resolution and within our allocation, as much as I would like to see even more resources directed toward HIV/AIDS.

For those reasons, Mr. President, because it does exceed the budget, I raise a point of order under the Budget Act.

Mr. SCHUMER. I move to waive the appropriate section of the Budget Act, Mr. President.

Mr. SPECTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. We are going to vote on this tomorrow, Mr. President, but now we are set to go.

Mr. SCHUMER. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent to lay aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1595 TO AMENDMENT NO. 1542

Mr. REED. Mr. President, I call up amendment No. 1595 with respect to LIHEAP.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], for himself, Ms. COLLINS, Mr. KENNEDY, Mr.

LEAHY, Mr. ROCKEFELLER, Mr. VOINOVICH, Mr. JEFFORDS, Mr. KERRY, Mr. LIEBERMAN, Mr. SCHUMER, Mr. CORZINE, Mr. SARBANES, Mr. BINGAMAN, Mrs. LINCOLN, Mr. LEVIN, Mr. HARKIN, Mrs. CLINTON, Mr. DURBIN, and Ms. SNOWE, proposes an amendment numbered 1595.

Mr. REED. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funding for home energy assistance needs under the Low-Income Home Energy Assistance Act of 1981)

On page 61, between lines 14 and 15, insert the following:

SEC. \_\_\_\_\_. In addition to any amounts otherwise appropriated under this Act for additional home energy assistance needs of one or more States arising from a natural disaster or other emergency, under section 2602(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(e)), there are appropriated an additional \$300,000,000 for such needs: *Provided*, That of the funds appropriated in this Act for the National Institutes of Health, \$264,000,000 shall not be available for obligation until September 30, 2004: *Provided further*, That the amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$7,195,199,000: *Provided further*, That the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$6,483,301,000.

Mr. REED. Mr. President, first let me start off by commending Chairman SPECTER for his efforts to meet the needs that are so evident in this appropriations bill in a very difficult budgetary climate.

The amendment I offer this evening, together with my colleague from Maine, Senator COLLINS, would be to increase funding for the Low-Income Home Energy Program to \$2.3 billion for fiscal year 2004.

I thank my other colleagues and cosponsors—Senators KENNEDY, LEAHY, ROCKEFELLER, VOINOVICH, JEFFORDS, KERRY, LIEBERMAN, SCHUMER, CORZINE, SARBANES, BINGAMAN, LINCOLN, LEVIN, HARKIN, CLINTON, DURBIN, and SNOWE—for cosponsoring this amendment.

The amendment Senator COLLINS and I are offering will provide \$300 million for the LIHEAP contingency fund. This money is available under certain specified conditions: a significant home energy supply shortage or disruption, a significant increase in the cost of home energy, a significant increase in home energy disconnections, a significant increase in participation in a public benefit program, or a significant increase in unemployment.

Contingency money for LIHEAP is very important to ensure that these resources can be quickly dispensed and targeted to those areas of the country and those populations that are experiencing either severe weather or severe economic distress.

Today, on September 9, it is a balmy day in Washington, DC, but no one can forecast the weather that will take place throughout the course of this winter on the east coast, in the Northeast, or on the west coast, nor can we forecast hot weather that could occur

in the summertime. So this contingency fund is absolutely essential.

What we need to do is to ensure that this funding is there in sufficient quantity so there will be no disruption in meeting the needs of people who are facing crises, either economic distress or severe weather.

I particularly thank Senators SPECTER, HARKIN, STEVENS, and BYRD for their commitment to the basic program. This appropriations bill contains \$2 billion for the LIHEAP State grant program. It is the first time we have had \$2 billion for the basic LIHEAP program since 1986, and it is a testament to the commitment and effort of Senators SPECTER and HARKIN and their colleagues. It is the absolute minimum we need for the state grant program. Any lower amount represents a real cut in dollars. But we also need something else, and that is the contingency funds. If we don't have those contingency funds, I don't think we can respond to the needs many of us foresee taking place this winter.

Last year, States provided LIHEAP assistance to over 4 million families. Yet this is only about 15 percent of the 30 million households who were eligible for LIHEAP assistance. So 85 percent of eligible Americans could not be helped because of constrained funding in LIHEAP.

My colleague, Senator BINGAMAN, is going to offer an amendment later which would try to increase the basic State grant by \$1 billion up to \$3 billion. This is a goal Senator COLLINS and I have aspired to for many years. We annually send a letter asking for state grant funding of \$3 billion. I certainly support that proposal. But I readily understand, given the constrained budget, where this is a very difficult judgment to be made by the committee and by the Senate. Nevertheless, I do believe—and that is why I offer, with Senator COLLINS, this amendment—we need, for operational efficiencies and for the ability to respond, the \$300 million in contingency funds. I hope on a bipartisan basis we can support this \$300 million contingency fund.

My colleague is here. I know she wishes to speak on this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the program for low-income home energy assistance is a vital program. Pennsylvania, my State, compares about the same as the State of the Senator from Rhode Island in terms of weather. It gets very cold. I am well aware of the fact that for many people, especially seniors, it is a matter of heat or eat.

Since I have been on the subcommittee, we have made enormous progress in increasing the funding for LIHEAP. I thank the Senator from Rhode Island for noting the allocation which Senator HARKIN, the ranking member, and I had put in at \$2 billion. When the Senator from Rhode Island

cites statistics on the number of people who will not be covered, it is true. If his amendment is adopted, there will be some people who won't be covered. If a vastly increased sum of money were added, we would simply have to make the allocations.

We had an allocation last year of \$1.7 billion with a \$300 million amount in the contingency fund. This year the Senator from Iowa, Senator HARKIN, and I decided to put the full \$2 billion in the main account so you wouldn't have to get the contingency to activate those expenditures. I would like very much to have more money in this account. I fought hard on the budget resolution for more money for this subcommittee. If we had more money, nothing would give me greater pleasure. I don't think I have voted against any increase in funding for LIHEAP in the time I have been in the Senate.

There are very heavy responsibilities on the manager of the bill. One is to get the bill moving. If we don't get this bill through by September 30, we lose \$3 billion. So it is with great reluctance that I have to oppose the amendment from the Senator from Rhode Island, because I would like to see this funding granted, but it does exceed the budget resolution. And therefore, with reluctance, I raise a point of order.

The PRESIDING OFFICER. A point of order has been made.

The Senator from Rhode Island.

Mr. REED. Mr. President, pursuant to section 504(b)(2) of the concurrent resolution on the budget, I move to waive section 504 of that concurrent resolution and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be and is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, the plan is to stack this vote until tomorrow morning.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I am very pleased to join with my colleague and friend from Rhode Island, Senator REED, in offering an amendment that would increase the funding for the Low Income Home Energy Assistance Program, commonly known as LIHEAP, by \$300 million.

Before I begin my formal comments, I, too, want to pay tribute to the distinguished chairman of the subcommittee, Senator SPECTER, for his longstanding support of low-income heating assistance funding. Due to his efforts, there is in this bill a \$200 million increase in LIHEAP funding over last year. Moreover, the bill would provide \$300 million more in much-needed regular LIHEAP funding than either the administration's request or the House bill. So the legislation before us represents significant progress.

Nevertheless, I am joining in the effort of my colleague from Rhode Island because I think it reflects a realistic

appraisal of the needs for more assistance in this program.

During the past year, the Nation has gone from energy crisis to energy crisis. In just this year alone, we have seen price spikes involving home heating oil, natural gas, gasoline, and electricity. Earlier this year, one of the largest suppliers of oil to American markets, Venezuela, ceased production as a result of political turmoil. A harsh cold snap occurred at about the same time, causing home heating oil supplies to plummet and prices to surge upward.

More recently, we have run into a shortage of natural gas that has again sent prices shooting upward. Three weeks ago, 50 million Americans suffered through the biggest blackout in American history. And finally, most recently, the price of gasoline rose with unprecedented speed to approximately \$1.75 per gallon.

These energy crises impose an especially heavy burden on our low-income families and on those of our elderly who are living on limited incomes. Low-income families spend a greater percentage of their incomes on energy and have fewer options available when energy prices soar. High energy prices can even cause some families to choose between keeping the heat on, putting food on the table, or paying for much-needed prescription medicine.

These are choices no American family should ever have to make. Despite the hardship which energy emergencies impose on low-income Americans and despite the frequency with which we have all been forced to suffer through energy emergency after energy emergency, the bill before us does not provide any contingency LIHEAP funds to respond to these kinds of emergencies. Given the frequency with which we have been beset by energy crisis after energy crisis, in my view it is only prudent that we plan ahead and that we include some contingency funding to ensure low-income families can get through the next energy crisis on the horizon.

I hope we won't have to use that funding. I hope prices will be stable, that the winter will not be unusually harsh or long, and that there will be no energy emergencies in fiscal year 2004. If there aren't, if we are lucky or fortunate, then we will have no need to spend this money and we will all be much relieved. But just in case the future repeats the past, doesn't it make sense, just in case there is another shortage of home heating oil or natural gas or price spikes or heat-related crisis next summer, we be better prepared? Should we not set aside some funding to help those who will need the help the most?

I call upon my colleagues to join Senator REED and me in supporting this amendment which will set aside an additional \$300 million for energy emergencies.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Rhode Island.

Mr. REED. I believe we have concluded our discussions on this amendment. I ask unanimous consent to lay aside this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1592 TO AMENDMENT NO. 1542

Mr. REED. Mr. President, I call up amendment No. 1592.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], for himself, Mrs. MURRAY, Mr. DURBIN, and Ms. CANTWELL, proposes an amendment numbered 1592 to amendment No. 1542.

Mr. REED. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for immunization services)

On page 61, between lines 14 and 15, insert the following:

SEC. \_\_\_\_\_. In addition to any amounts otherwise appropriated under this Act to carry out immunization programs under section 317 of the Public Health Service Act (42 U.S.C. 247b), there are appropriated an additional \$50,000,000 to carry out such programs: *Provided*, That such amount shall not be available for obligation until September 30, 2004: *Provided further*, That the amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$6,945,199,000: *Provided further*, That the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$6,733,301,000.

Mr. REED. Mr. President, once again, I have to commend Senator SPECTER and Senator HARKIN for trying their best to meet extraordinary demands with very limited resources. In this case, it is with respect to childhood immunization. This is an issue that is too often taken for granted because it has been such a success throughout many decades in American public health. They have tried extremely hard to maintain these funds. They did not accept the President's proposal for a \$28 million decrease from the previous year's funding.

Nevertheless, the CDC, the principal Federal agency for immunization policy and implementation, after enjoying several years of increases, will only receive a \$5 million increase over last year's funding for global vaccine activities. Regrettably, it is not sufficient to continue meeting the challenge of vaccinating all of our children and truly protect children from diseases that are preventable through immunization.

States and public health authorities throughout the country are facing difficult issues of increased prices for vaccines and increased demands for services. These factors argue very strongly for increased funding, not level funding.

Right here in the District of Columbia, school began last week and the school department is struggling to contend with thousands of children who

are not up to date with respect to their vaccinations.

The amendment I offer today, in conjunction with Senators MURRAY, DURBIN, and CANTWELL, would increase funding for the CDC National Immunization Program by \$50 million. This additional funding will ensure that State and local immunization programs can maintain their commitment to protecting the health and well-being of our children.

One of our greatest successes in the area of public health has been the campaign to have all children properly immunized by the age of two. During this century, substantial progress has been made toward eliminating and controlling many vaccine-preventable diseases. Simply level funding this effort will not allow us to stay ahead of the problem but to actually lose ground in this public health campaign. That is why I am proposing this amendment.

Immunization initiatives have a proven track record of success. They are terribly cost efficient. Our efforts today have resulted in high levels of coverage around the country and record low numbers of outbreaks of diseases. In fact, by looking at this chart, you can see the success we have enjoyed with immunizations for vaccine-preventable diseases, including diphtheria, measles, mumps, polio, and rubella. These diseases struck fear in the hearts of Americans many years ago.

Today, we see a record of success in which diphtheria, for example, has been reduced by over 99 percent on an annual basis; measles has been reduced by 99 percent; polio, which when I was a young child was the most dreaded disease one could imagine, has been eliminated in the United States. This is a testament to the success of immunizations. We have to do more than what we were doing last year just to maintain current services.

Now, the other factor that we have seen in terms of the success of immunization is the direct and indirect savings when it comes to health care costs. For example, for every dollar invested in the hepatitis B vaccine for infants at birth to 2 months of age, that dollar saves \$14.50 in direct and indirect costs. The mumps, measles, and rubella vaccine saves about \$23, or approximately \$9 billion each year. This is an incredibly cost-effective program as well as a very necessary program. We cannot rest on our laurels. We have achieved this success, but if we relent and do not continue to put in the effort, we will find ourselves with fewer children immunized and higher incidence of disease outbreaks.

There is another factor, and that is at the time we are funding these immunization programs, we are discovering that science is making great breakthroughs and creating new vaccines, but these vaccines add to the cost of the program.

This chart illustrates the recommended immunization schedule in the year 2003—hepatitis shots, diphtheria shots, polio shots, et cetera. All

of these are multiple dosages over a number of months. All of them are expensive or getting more expensive. So what we have here is an increased demand not only in terms of children but also in terms of the vaccines and the immunizations they must receive.

The CDC is at the heart of our efforts. This chart depicts the six stages or elements of a good immunization program: community assessment; outreach and education; delivery of the recommended vaccines by providers; followup; tracking; maintenance of coverage rates and outbreak control. On all of these efforts, CDC is using their resources by giving grants to States, by making vaccines available under their programs.

This is an involved, intricate, and, frankly, expensive program that we must support. To do otherwise would risk what I fear would be a lack of progress in the days ahead with respect to the protection of our children in particular.

Now, the next chart illustrates one other aspect of the dilemma that is facing public health authorities—many more vaccines to be delivered, and also the cost of vaccines are going up, particularly the latest vaccine added to the inventory, the pneumococcal vaccine. The diagram describes the recommended vaccines in 1985. Back then, it was diphtheria, polio, and 1-2 MMR, or measles, mumps and rubella. Also, notice that the cost per child was very low, relatively speaking. Today, in 2003, with additional vaccination requirements, that cost has shot up significantly. So the range is almost \$450 compared to \$50. That is putting a greater burden on States, causing an additional need for Federal resources.

One of the things that is happening because of the clash of demand and limited Federal resources is that, in some cases, we are seeing a two-tier immunization system. Now, 32 States have implemented the new pneumococcal vaccine using Section 317 funds; 19 States have not done it. So in many respects, these 32 States are on the leading edge of providing total protection—or as much as we can ensure today for children—and yet 19 States are lagging behind. The principal reason for that is the inability to finance these new vaccines. Another very important reason we must, I believe, increase the appropriation this year for our immunization program.

You can see by these charts that we are beginning to lose a little bit of ground. This was 2001. The blue figures are the highest levels of vaccination, ranging from 80 to 89 percent. The yellow are the passing, if you will, 70 to 79 percent. The red is 60 to 69 percent of coverage.

Back in 2001, there was one State, Louisiana; and in 2002, because of strained resources, we are seeing many more red States show up. They are Louisiana, Oklahoma, Colorado, New Mexico, and other States are on the decline in terms of coverage. This is an-

other reason why we have to insist—at least I feel it is important enough to insist—that we increase funding for this very important program. We all, as I said initially, sometimes take for granted that our vaccine programs are working, that polio and rubella and measles are something of the past.

You can just look around the country at some of the headlines we are seeing in local newspapers: "Whooping Cough Rates Soar in Three Oregon Counties." This one says "Tetanus Continues to Pop Up in the U.S." "Officials Warn of Pertussis Outbreak." "Whooping Cough Cases Could Double." There are other examples.

It reminds us that we cannot take immunization for granted. I know the chairman has tried valiantly to put more resources into this program. I urge my colleagues to do what they can to support this amendment so we can increase funding for this very worthwhile and very efficient program. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, there is no doubt about the tremendous need for adequate vaccines to protect our children from a wide variety of maladies. The Senator from Rhode Island seeks to add \$50 million to existing accounts. I appreciate his acknowledgment of the work which Senator HARKIN and I have already done on the appropriations for vaccines.

The current bill has almost \$3 billion for vaccination programs. Health Resources and Services Administration has \$1.6 billion. The Centers for Disease Control and Prevention has \$1.65 billion. From that, \$1.14 billion is for vaccines for children. The Center for Medicine and Medical Services has \$300 million related to an immunization program. The vaccine development at NIH has almost \$1 billion—\$988 million. In addition to the funds provided in this bill, Indian Health Services has \$1.526 million.

I suggest when we are dealing in the \$3 billion range, there has been very substantial consideration, really adequate consideration for this important issue.

The Centers for Disease Control is an installation which has received special attention from this Senator. Three years ago, I made a trip to the CDC when I heard that it was in deplorable condition and I found prize-winning scientists with desks in hallways and poisonous materials unguarded in hallways.

With the cooperation of the ranking member, Senator HARKIN, we made an immediate addition of \$170 million and added to that \$250 million, and last year \$250 million, and have increased the administration's request by some \$300 million this year with an additional \$250 million for capital improvements.

This past Saturday, I traveled to Atlanta and took a look at the Centers for Disease Control. I take second place

to no one in my concern for the Centers for Disease Control and all their important operations on SARS, on HIV/AIDS, and the bioterrorist threats which now confront America.

Simply stated, I think we have done a pretty good job in this vaccination area. Certainly, \$50 million more might be nice under some circumstances, but I think this program is adequately funded.

The amendment offered by the Senator from Rhode Island exceeds the budget and, therefore, Mr. President, I raise a point of order under section 302(f) of the Congressional Budget Act and the allocation for this subcommittee.

The PRESIDING OFFICER. A point of order has been raised.

Mr. REED. Mr. President, I move to waive section 904(c) of the concurrent resolution on the Budget for fiscal year 2004 for purposes of the pending amendment, and request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent that a chart showing the extensive expenditures on this line be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### IMMUNIZATION PROGRAMS IN THE FISCAL YEAR 2004 BILL

	Fiscal year 2002	Fiscal year 2003	Fiscal year 2004
Health Resources and Services Administration (in millions) .....	\$1.6	\$1.6	\$1.6
Centers for Disease Control and Prevention (in billions) .....	1.617	1.683	1.655
Vaccines for children (in billions) .....			1.145
Centers for Medical and Medicaid Services (in millions) .....	270	285	300
Vaccine development, NIH (in millions) .....	610.2	962	988
Total in Labor-HHS bill (in billions) .....	2,498	2,731	2,944
Indian Health Service (in millions) .....	1,526	1,556	1,580

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1596 TO AMENDMENT NO. 1542

Mr. REED. Mr. President, I call up amendment No. 1596 with respect to museums and libraries.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], for himself, Mr. KENNEDY, Mr. BINGAMAN, Mr. CORZINE, Mr. LEVIN, Mr. LAUTENBERG, Mr. SARBANES, Mrs. BOXER, Mr. SCHUMER, Mr. JOHNSON, and Mrs. FEINSTEIN, proposes an amendment numbered 1596 to amendment No. 1542.

Mr. REED. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for certain literacy, library, and museum programs)

At the end of title III, insert the following:



SEC. 306. (a) In addition to any amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) an additional \$15,081,000 to carry out subpart 4 of part B of title I of the Elementary and Secondary Education Act of 1965;

(2) an additional \$24,100,000 to carry out the Library Services and Technology Act; and

(3) an additional \$5,182,000 to carry out the Museum Services Act.

(b) Of the funds appropriated in this Act for the National Institutes of Health, \$20,000,000 shall not be available for obligation until September 30, 2004.

(c) The amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$6,939,562,000, and the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$6,738,938,000.

Mr. REED. I thank the Chair.

Mr. President, once again, I rise to offer my final amendment of the evening, and I again commend Chairman SPECTER and Senator HARKIN for their efforts.

My amendment is designed to increase funding for libraries and museums. I am pleased to be joined by Senators KENNEDY, BINGAMAN, CORZINE, LEVIN, LAUTENBERG, SARBANES, BOXER, SCHUMER, JOHNSON, and FEINSTEIN in offering this critical amendment.

The appropriations bill before us essentially levels or cuts the funds in the library and museum accounts for this fiscal year.

The Federal Government has a long history of supporting our Nation's libraries and museums. The Federal Government started providing direct assistance to public libraries in 1956 and funding to museums in 1976. So this is a function we have taken on for many decades.

We all understand that museums and libraries are rich sources of culture and learning. They are part of the fabric of our intellectual and civic life in every community, small and large, throughout America. Libraries have been the foundation of education for years. They are vital sources of literacy training, of community activities, and so many things that are important to the quality of life in every community in America. Our museums bring into the lives of our people great art, scientific discoveries—indeed a host of discoveries and amazing items that educate, inform, and, inspire the people of this country. These institutions are more important now than ever because we must recall our past to deal with a very difficult present and a challenging future.

These facilities are also in great demand. If you speak to librarians and museum directors, they would like to stay open longer and offer additional programs and services because the demand is there, but the funds are not there.

We are facing these issues and facing this appropriations bill just a few weeks after we passed the Museum and Library Services Act of 2003. This body passed it with strong, bipartisan support. It would reauthorize these Federal programs for the next 6 years.

Among the many aspects of the bill that passed was providing for a doubling of the minimum allocation to each State, which is very important to smaller states like Rhode Island. Also, it established a reservation of 1.75 percent for museum services for Native Americans, to match the reservation currently provided for library services.

We are charting down a new reauthorization path but, unfortunately, we have not been able to, in this appropriations bill, match the design for that authorization. Indeed, this is one of those situations in which the President's budget is much more robust with respect to funding than the Appropriations Committee's proposal to the Senate. The President sometimes gets criticized for not following through, and then we have to do more. This is a case where the President's proposals have been strong with respect to museums and libraries.

For example, in the No Child Left Behind Act, we authorized a program called Improving Literacy through School Libraries. This program is designed to provide library resources to schools throughout this country, a central part of learning. The bill before us would fund that at \$12.4 million. The President requested \$27.5 million because I believe both the President and the First Lady recognize the importance of school libraries and books and materials for those libraries.

I was the principal author of this legislation in the Health, Education, Labor, and Pensions Committee, and I feel very strongly that we must make a greater commitment to our nation's school libraries. Too often when you go to a school library, you find books that are out of date—vastly out of date—or books that are insufficient in number or quality for students to truly learn.

Indeed, in an ideal world, every young American should have two libraries to call upon: A good school library and a good neighborhood public library. This will allow them to learn, to explore, and to understand that education is not just the hours in school, but it is every opportunity they have to read and to explore on their own.

I hope we could raise our efforts to increase the level of funding to \$27.5 million, the President's proposal, and not the funding level contained in the bill. Indeed, the President, in his statement of administration policy on this bill, said:

The administration also urges the Senate to provide the full request for . . . Literacy Through School Libraries.

My amendment will also increase funding for the Library Services and Technology Act by \$24.1 million to bring the new total to \$171.48 million. This increase in funding for the Library Services and Technology Act would reach the President's funding request of \$169.6 million for library State grants plus provide an additional \$1.6 million needed to double the minimum State allotment which is a key reform in the recently passed Museum and Library Services Act of 2003.

If we do not follow through with this funding, we are going to inhibit the ability of libraries to serve their neighborhoods. We are going to inhibit the ability of libraries to take part in literacy programs which is one of the centerpieces of the President's overall educational policy. We see it every day in our hometowns and across our States, where libraries cut back hours, cut back access, cut back collections and, indeed, as many States face fiscal crises, one of the first areas that is cut in State budgets is libraries and museums.

I believe we should be able to, hopefully, step into the breach and help a bit more.

My amendment would also boost funding for the Museum Services Act by \$5.18 million to again reach the President's funding request. Our museums are key partners not only of our educational programs but also of our culture and our national memory. I hope we can increase funding in this regard.

This is a modest amendment, in total increasing resources by \$43.36 million that will directly help our museums and libraries throughout the country.

I reiterate that I understand the difficult challenge both Senator SPECTER and Senator HARKIN face in trying to fund all of these programs. I think they would be the first to point out how valuable they are. I feel very moved to point out how I believe we can do better. In this case, simply matching the President's request would do much better.

My amendment is fully offset for fiscal year 2004. It achieves this by rescinding fiscal year 2004 advance appropriations and reappropriating those funds in fiscal year 2003. This is the same mechanism Chairman STEVENS and Chairman SPECTER used to add \$2.2 billion to the underlying appropriations bill.

I urge my colleagues to support museums, libraries, and the Reed amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I oppose the amendment by the Senator from Rhode Island with some trepidation, because of two factors: My sister Shirley Katy is a professional librarian, and my sister Shirley Katy is reportedly watching this debate on C-SPAN. Senator HARKIN just said, sotto voce—I had better be careful.

That is one of the problems of being a manager of a bill. You have to try to keep the bill within the budget resolution, within the budget allocation. If it conflicts with the longstanding interests of my sister Shirley Specter Katy, that is just one of the costs of being the manager of the bill.

I might say parenthetically, and not too much at length because of the hour, that my sister was a great inspiration to me on developing early reading habits. It actually led to my downfall; I became a lawyer. She was always



with a book. She has been a librarian in the Elizabeth, NJ, school system for many years. She recently retired.

From her and from my educational experience generally, I have great reverence for libraries. I would like to see the libraries funded even more than they are. The Institute of Museum and Library Services has an appropriation of \$243,889,000. Notwithstanding the difficulties of the budget, we were able to maintain that figure.

It is worth noting that the figure is \$1,865,000 above the President's request. Here again, I would like to see more money in libraries, but we simply do not have the money within the budget resolution or within the allocation for this subcommittee. Therefore, it is with reluctance that I raise a point of order that this amendment exceeds the budget resolution and therefore is not in order.

The PRESIDING OFFICER. A point of order has been raised.

Mr. REED. I move to waive the Budget Act under Section 504 for purposes of the pending amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENT NO. 1602 TO AMENDMENT NO. 1542

Mr. CORZINE. Mr. President, on behalf of myself, Senator LAUTENBERG, and Senator CLINTON, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending amendments are set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. CORZINE], for himself, Mrs. CLINTON, and Mr. LAUTENBERG proposes an amendment numbered 1602 to amendment No. 1542.

Mr. CORZINE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To restore cuts in student aid)

At the end of title III add the following:

SEC. 306. None of the funds provided under this Act shall be used to implement or enforce the annual updates to the allowance for State and other taxes in the tables used in the Federal Needs Analysis Methodology to determine a student's expected family contribution for the award year 2004-2005 under part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk et seq.) published in the Federal Register on Friday, May 30, 2003 (68 Fed. Reg. 32473), to the extent that such implementation or enforcement of the updates will reduce the amount of Federal student financial assistance for which a student is eligible: *Provided*, That of the funds appropriated in this Act for the National Institutes of Health, \$200,000,000 shall not be available for obligation until September 30, 2004.

Mr. CORZINE. Mr. President, my amendment is simple. It would block

the Department of Education from implementing recent changes in student aid eligibility that will reduce financial aid to college students by billions of dollars starting in the fall of 2004. Let me repeat that—billions of dollars.

These changes come at a time when tuition is rising dramatically, double digits in many of our State schools across the country; just 9 percent in the State of New Jersey. Students and working families are straining to provide the financial wherewithal to access America's promise of access to higher education.

This challenge to working Americans has been vividly documented in a feature article in U.S. News & World Report September 8, entitled "Beyond Their Reach."

I ask unanimous consent that a copy of that article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORZINE. It goes through tuition hikes. It goes through how Federal funding for grants and loans has not kept pace with the rise in tuition. It talks about students having to work many additional hours to be able to meet the financial stress. It is a very complete review of what the burden on working families is with regard to paying for higher education and having access to the American promise that provides.

I put that into the RECORD because it sets the framework for what I am talking about with regard to these regulations on financial aid.

I will explain these cuts in student aid which I feel are inappropriate for the times, but I think I can show they are totally unfair within the context of what is happening in the real world. This is a case where people in the Department of Education are operating off of information that is dated and is not applicable to the current circumstances.

I will take a few minutes to explain the situation, which is not immediately obvious, but it is very clear it undermines access to higher education in a very substantial way. On May 30 of this year, the Department of Education changed the formula for determining eligibility for Pell grants and other types of Federal financial aid. The formula is complex. It looks a lot like a tax return. I guess people have to go to H&R Block to figure it out, but it is very clear what this does. A family starts with their gross income and through a series of calculations subtracts from that their income to calculate what is called the expected family contribution. They start with gross income and subtract away a number of items to get to expected family contribution.

As the name implies, this is the amount a family is expected to contribute toward the college education of their child in any given year, at least for those families above \$15,000 in gross

income—hard-working, middle-class families. Expected family contribution then is subtracted from the cost of education for that year to determine a student's need for the purpose of Federal aid, such as Pell grants. The expected family contribution is also used by many State and private institutions. This is important to understand. This doesn't just apply to Pell grants; it applies to private institutions as well, all kids who are going to school, not in every instance but in most instances. It impacts their ability to get financial aid and basic allocation of financial assistance for both loans and grants across the country.

In other words, changes in a student's expected family contribution has direct impact on that student's eligibility for all kinds of financial aid. As a student's expected family contribution goes up, their eligibility for financial aid goes down.

As I noted earlier, the way the student's expected family contribution is calculated is similar to the way Federal taxes are calculated. One of those similarities is the fact that you get credit for State and local taxes that you pay. For income tax purposes we call it a deduction, and it reduces the amount of your taxable income. In the financial aid world it is called an allowance, but it works in a similar way. A student's family gets an allowance for paying State and local taxes. This allowance then reduces the amount of their student's expected family contribution. So, as the State and local tax goes up, the student's expected family contribution goes down. The eligibility for financial aid goes up. If the allowance goes down, the opposite happens: A student's family gets less credit for paying State and local taxes and the student is eligible for a smaller amount of financial aid. This gets at the heart of the problem, this issue I am trying to address tonight.

The allowance for State and local taxes is not determined for families based on what they pay; it is not individualized; it is determined by the Department of Education, and through publication in the Federal Register they establish those for each and every State.

Each year, the Department of Education publishes a table, and the percentage of income that family can deduct from their income as an allowance for paying State and local taxes is established. Until this year, the Department of Education had not changed these allowances in 10 years. Let me repeat: They had not changed these allowances in 10 years. Somehow or another they decided to do it this year but had not done it in 10 years, while State and local taxes are moving up and down in different amounts in all different environments. On May 30 they decided to slash the allowances across the board.

I will just show you this chart, show what actually is taking place in many States. I would like to show, for instance in South Carolina, they would

argue taxes fell from 7 percent to 3 percent, so they reduced the allowance by 57 percent.

If I am reading this correctly, the Presiding Officer, who lives in Missouri—they have gone from 5 percent to 3 percent and they reduced the allowance for Missouri citizens 40 percent, the deduction to change the eligibility for families to access financial aid.

You can go through this chart for every State. Local tax allowances were cut in every State but one, Connecticut. Some of those allowances were 100 percent, 50 percent, 80 percent. New Jersey is one of the lucky ones; it was only 14 percent.

I see the Senator from Pennsylvania. Pennsylvania's cut was, if I am reading it correctly, 50 percent.

It is important that people understand that, again, this is determining financial eligibility of families on a very wide basis. We can talk about each of the States and how much is being cut. Almost every State except, as I suggested, Connecticut has reduced the allowances we have here.

The bottom line is students and their families all across America will get less on allowance for State and local taxes next year for purposes of applying for Federal financial aid. I repeat, it also applies for many private institutions and private aid beyond that.

As a result, the expected family contribution, what families are expected to contribute, will go up for nearly all American families and students. While the financial aid impact will vary from family to family, it is clear that an increase will reduce aid for many students.

I am having a hard time understanding, as I read the newspapers and I hear that State income taxes and local income taxes are going up, why we have decided to implement this today.

This is a very hard thing to calculate for a lot of different issues, but one of the places the Department of Education has worked with CRS is with regard to local allowances as they apply to Pell grants. They have acknowledged that there will be 84,000 students across America who will lose their Pell grants entirely. Not everybody is going to lose them. Some are going to lose just a portion of their eligibility. I will go through an example later.

We know that for those 84,000, that is a \$270 million drop in the amount of financial aid being provided for students in grants across the country. The fact is, if you sum it up for those who are partially participating and all the others, we are talking about billions of dollars. I emphasize, it is not just Pell grants.

Listen to the assessment of Bryan Fitzgerald, the Director of the Advisory Committee for Student Financial Assistance, created by Congress to advise it on higher education. Mr. Fitzgerald was quoted in the New York Times on July 18. Asked about whether

damage from the Department's action would just affect the Pell Grant Program, Mr. Fitzgerald said:

It doesn't stop there. It will have a ripple effect through all the other financial aid programs—State grants, loans and institutional dollars. The cumulative effect will be much larger.

Bryan Zucker, president of the Human Resources Capital, in the same New York Times article stated:

[I]n aggregate, there's no question that we're talking about a swing of billions of dollars [in financial aid.]

I think it is important that we have laid out these facts, that tinkering around with the formula is going to end up undermining the ability of literally hundreds of thousands of middle-class Americans to have access to financial aid grants and loans. It is going to make something that is already very difficult even more troubling, to have access to higher education.

I think it is very difficult to understand why we are doing it.

Let's put this in the context of what is going on in our States. The Department of Education is reducing the allowance families get for paying State and local taxes. But I think everyone in this Chamber knows State and local taxes are not going down; they are going up. According to the National Association of State Budget Officers, States raised taxes by more than \$8 billion in fiscal year 2003 and already plan to enact additional tax increases of over \$17 billion for 2004.

It is likely through the 2003 and 2004 period that we will see State taxes go up by \$25 billion, compared to what the Department is using, where they are saying they are going down. That is before we take into consideration what is happening at the local level, local taxation in many places.

I want to use one example. Students and families in Pennsylvania, for example, will have their State and local tax allowance cut from 6 percent to 3 percent. For purposes of this calculation, Pennsylvania families will get 50 percent less credit next year than they did this year. But in fact the senior Senator knows, State taxes are going up in Pennsylvania. In fiscal year 2003 they were raised by \$569 million, and in 2004 Pennsylvania is planning more increases. I don't think that is fair to Pennsylvania any more than I think it would be fair in New Jersey. In fact, we have many of the same situations.

I think you can go State by State and look at it, look at this possibility. I will not go through each State but I think you can calculate it for every State but Connecticut and you will see there is a loss. State taxes are going up. Local taxes are going up. The only people who do not realize it seem to be the Department of Education.

I want working families to have an opportunity at this American dream. I think this needs to be done.

I also would cite this article about which I spoke. There is a specific case

of a lady named Lynn Caputo of Massachusetts, one of hundreds of thousands of students going through this process about which I spoke.

I am not going to read this article. We have a quote here that shows how deeply flawed this is when you apply it to an individual. Ms. Caputo lost a father. By these calculations, she will lose over \$1,000 in financial aid next year. Just at the time when her personal situation is changing, taxes are going up in Massachusetts. By these standards of how we deal with expected family contributions, she is doing better than she would have been doing before. It is very hard to understand how that fairness fits with the reality of the world in which we live.

Eighty-four thousand students are losing Pell grant loans, and 270 million of them broadens it out to billions of dollars when you take into account all of the other higher education needs.

I think we need to do something about this. We can do that without impinging on our budget formulation. That is what my amendment would do. It says the Department of Education cannot use any funds to implement new State and local tax allowances to the extent that they would reduce aid for any student.

By the way, there are some technical things about one class of students here or there. But the vast majority are losing.

I should note that the amendment is fully offset by provisions to delay the obligation of \$200 million in NIH funds until September 30, 2004. As a practical matter, this should have no real impact on their operations or change their needs. We are talking about a serious impact on a broad swath of middle-class Americans having access to financial aid.

This isn't partisan. There are Republican States and Democrat States. This is just bureaucracy not keeping up with the times.

Let me repeat that they haven't changed these formulas in 10 years. They somehow or other woke up on May 30 and thought we needed to change these formulas. They have not done it for 10 years. Now they are reducing that allowance for taxes at just the time taxes are going up. I don't get it. We are trying to do this in a fiscally sound way by getting an offset. I think we can make a big difference in a very substantial way for a lot of folks. It will not cut Pell grants in any way. I think it will make a big difference in providing access to higher education for kids who are really stretched.

I hope the Senate will consider this tomorrow. It really is something that I think goes to the heart of everyone in this Chamber. We are not talking about costing money. We are talking about costing working families in America money.

## EXHIBIT 1

[From the U.S. News and World Report,  
Sept. 8, 2003]

## BEYOND THEIR REACH

(By Rachel Hartigan Shea)

In July, administrators of tiny Unity College in Maine tagged 100 fish with vouchers totaling \$165,000 in scholarships and other goodies and dumped the finned financial aid into a nearby lake. Nearly 100 students and parents pushed off from shore in canoes, kayaks, and rowboats, all hoping to snag the big one: a fish carrying the \$56,800 that would cover four years tuition at the private college, known for its outdoorsy majors such as aquaculture and forestry.

It was a good day to be a smallmouth bass. After seven hours, all but one of the students participating in Unity's first annual "Fishing for Scholarships" paddled back empty-handed. Mike Bradford, a sophomore from Bear, Del., reeled in a \$50 tuition coupon and a free sea-kayaking trip donated by a local merchant. Nice, but it hardly covered those hefty college bills.

A lot of families these days feel as if they're facing college costs without enough funds on the line. Salaries are flat, jobs are scarce, investments haven't fully recovered and savings are tapped out. Financial aid can't seem to keep pace with financial need, and now the Department of Education has tinkered with the financial aid formula to some families' detriment [story, Page 54]. Tuition, particularly at state schools, continues to rise. Families aren't alone in their anxiety: Colleges, too, wonder how they will pay the bills, with endowments down 6 percent last year, the biggest drop since 1974, and 25 states cutting higher education appropriations by as much as 14 percent. Many schools have had to cut classes and sports teams, freeze salaries, and lay off employees to deal with the budget shortfalls.

Yes, it looks like a crisis. But before you despair, listen to this: It's still possible to get help paying for college. There's more financial aid money available today than ever before, and more students are getting a piece of it. But the piece is smaller, and it might be in the form of an IOU. It all adds up to a substantial shift in who ends up footing a big chunk of the bill for college: you. "Students and their families are paying more of the share than they did a decade ago," says Donald Heller, senior research associate at the Center for the Study of Higher Education at Penn State.

Financial aid was originally designed, of course, to make college affordable for everyone. In 1965, Lyndon B. Johnson signed the Higher Education Act which gave colleges government grants to distribute to needy students and established a loan program for the middle class. Seven years later came the debut of the Pell grant, the primary funding mechanism for low-income students. In its early years, the Pell—with a maximum award of \$452 based on family income—covered as much as 84 percent of college costs. But while federal spending on Pell grants has gone up 8 percent since 1991, tuition and fees have increased by 38 percent. The Pell's current maximum of \$4,050 covers roughly 39 percent of the average cost of tuition and room and board. And with the White House and Congress eager to limit spending, it's unlikely that the Pell will be raised this year.

Gap math. Because of the high cost of grants, the federal government in the late 1970s began turning to loans to fill the gap between federal grants and family need. Two thirds of federal aid now comes in the form of loans. Subsidized Stafford loans allow students with demonstrated need to borrow up to \$2,625 their first year (\$6,625 for independent students) and more in subsequent

years, up to a maximum of \$22,265. The government pays the interest—currently 3.42 percent—until the student has been out of school for six months. Students not deemed needy can take out unsubsidized Stafford loans; parents can turn to Parent Loans for Undergraduate Students. Both also boast low rates.

It sounds like a pretty good deal. But more loans means more students (who are today outborrowing their parents) are paying the bulk of their college costs. "The student aid system was based on the parental responsibility to pay for college," says Brian Fitzgerald, staff director of the Department of Education's Advisory Committee on Student Financial Assistance. "Loans mean it's the actual student who is bearing the burden." Nationwide, student debt is up 66 percent since 1997.

Take Erin Brindell, a 21-year-old from St. Louis. In April, her father, an accountant, took early retirement rather than risk losing his job. Her mother, a teacher who's been fighting cancer, also retired. With Brindell's family income down almost 60 percent from last year, and two other siblings in college (another four have already graduated), the senior asked her school, a private university in Missouri, for more aid. The college said it was out of money and pointed her to a state loan agency. She borrowed \$9,700, bringing the grand total of her debt upon graduation next spring to \$60,000. Brindell, who is majoring in secondary education, will end up paying for what her family could not, which promises to be a struggle on a teacher's salary.

Deep debt. This fall, Congress will consider raising the Stafford loan cap during the reauthorization of the Higher Education Act. The combination of low interest rates and a higher limit, some education experts argue, will help more students pay for college without resorting to private loans, which generally have higher interest rates and require quicker repayment. But critics respond that the debt load is already too high and looms darkly over students' futures, forcing them to consider majors—and careers—based on potential earnings rather than academic inclination. Some experts suspect a higher loan limit would not translate into more aid: Institutions will just reduce grant aid by the extra amount students can borrow.

At the same time that federal policy is influencing the growth of loans at the expense of grants, states are driving up public university prices and accelerating the cost shift to students. State support for universities has been steadily declining over the past two decades. Legislators see that colleges have sources of funds like tuition and private donations that other pressing budgetary needs like primary education and healthcare do not. And the recent fiscal crises have just exacerbated the decline. This year was the third in a row of drastic cuts to university funding nationwide. The Maryland university system lost 14 percent of its budget, while California lost \$700 million of the \$9 billion it usually spends on higher education. Experts predict an additional 2.3 percent decline next year. And remember this all comes at a time when many states expect higher enrollments. Nevada, for example, is bracing for a 33 percent boom in high school graduates by 2007.

So what can the state systems do? Mostly, raise tuition. The tab at the University of Virginia and the University of California shot up 30 percent this year; the University of Arizona's, nearly 40 percent. And many of the increases are on top of previous tuition spikes; 16 states raised tuition by more than 10 percent last year. Of course, state universities are still a bargain for in-state students, almost 70 percent of whom pay less

than \$8,000 per year. But low-income students can't afford even small jumps in their share of college costs. For the poorest families, the cost of attendance at a public university is more than half their income. And according to a study last year by the Department of Education's Advisory Committee, there is a \$3,800 gap between what families in the lower income brackets need to attend public universities and the financial aid they receive.

Some states, like Arizona, have tried to shield the neediest students. "We ran the numbers to see how we can increase tuition and set aside enough to hold the most needy harmless," says Jack Jewett, former president of the state's board of regents, who notes that 14 percent of all tuition revenue will be funneled into financial aid.

But many states are coming up short. Indiana managed to boost spending but not enough to cover higher tuition, so it will now have to limit the amount of the awards. And Minnesota couldn't give out any grants to new college students last spring, despite an extra \$8 million in the budget, because current students had already consumed the available money. "I think that policymakers are siding with aid programs more than institutions in terms of cuts," says Kristin Conklin, a senior policy analyst with the National Governors Association, "but that relative protection is not translating into more buying power for students."

Individual universities are exhausting their financial aid dollars as well. Take Penn State: While it raised tuition 9.8 percent to about \$9,500 for incoming freshmen, it has lost \$45 million in state funding over the past two years. "Something would have to be traded off, like competitive wages for faculty or forgoing already delayed maintenance on buildings," says Anna Griswold, an assistant vice provost.

But there may be another significant reason why there's not enough money to go around. Some critics say that too much is being spent on merit aid. Over the past decade, state grants have gone up 447 percent, but much of that is not need-based. Since 1993, the Georgia HOPE Scholarship, the granddaddy of all the state scholarship programs, has doled out more than \$1.9 billion to more than 693,000 students with B averages or better in high school. But programs like Georgia's tend to favor middle- and upper-class students whose families probably could afford college without a scholarship. And with several states funding the merit programs through lotteries, a 2002 study by the Civil Rights Project at Harvard University argues that lottery players, who are "disproportionately low income, poorly educated, and black," are paying for the college education of these better-off kids. The study found that 12 states with merit programs gave out nearly three times as much money for those scholarships as they did for need-based aid.

Not surprisingly, colleges limit their financial aid bills by being choosy in the admissions game. "If a student is marginal and has money, his chances of being admitted are better than a student who is marginal and has no money," says Robert Massa, vice president for enrollment, student life, and college relations at Dickinson College. That said, the private Pennsylvania school, which finances most of its aid through tuition, enrolled more students this year because the class as a whole was needier. "Those additional 30 students are helping us afford financial aid to assist the entire student population," says Massa. Just a few dozen schools—all of them private—still pledge that a student's financial need won't influence the admissions process and that they'll

meet the full need of the students they accept. Trouble is, poorer students are gravitating to the few need-blind colleges that are left. "Places like Macalester are reaching a point where we have to consider not being need blind," says Michael McPherson, the Minnesota college's former president.

Looking up. Yet there are bright spots on the horizon. Institutional aid from private universities rose almost 197 percent in the past decade. Schools with generous endowments can purposely keep loans to a minimum. "A one-year downturn doesn't necessarily severely impact our ability to maintain our [financial aid] policies," says Joseph Russo, director of financial aid at Notre Dame. And a group of wealthy schools (called the "568 Group" for a section of federal law that allows them to collaborate) are giving out more grant aid this year, having decided to cap home equity at 2.4 times a family's income in its eligibility test. (The federal government does not count home equity when assessing need.) So, those families whose home prices shot up while their salaries stagnated will find themselves with better aid offers.

Even Erin Brindell, with her \$60,000 debt, isn't gloomy. "I can't worry too much," she says. "I've had a great college experience."

Mr. SPECTER. Mr. President, will the Senator from New Jersey yield for a question?

Mr. CORZINE. Sure.

Mr. SPECTER. Has the Senator from New Jersey considered offering legislation which would be taken up by the Committee on Health, Education, Labor, and Pensions? I believe he is a member of that committee.

Mr. CORZINE. I wish I were. I wish the Senator from Pennsylvania could make the argument that I could be on that committee. I would be happy to be on that committee.

Mr. SPECTER. I withdraw that portion of my question.

I ask the Senator: Isn't it true the Senator can offer an amendment which would be considered by that committee?

Mr. CORZINE. I very much will consider looking at all of the various ways. I think we have legislation pending to be reviewed in that committee. It just so happens this is one of those places where we deal with higher education. It seems quite appropriate since we have a budget-neutral approach both to raise this issue and to make sure we address it now so people can make their financial plans.

Mr. SPECTER. Aside from considering a substantive law change, has the Senator from New Jersey proposed one?

Mr. CORZINE. We have a bill that has been submitted. I will check out the number for the senior Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I raise that question because this is an issue of some complexity. Nobody has been a greater proponent of higher education than this Senator. It may be that the whole approach on making deductions or changes based on taxes is an inappropriate way to deal with the funding of higher education. What we have here is an effort to stop funding on a change in a formula which involves a sub-

stantive change in law. We have very few amendments offered. We have to reach some substantive objective by limitation of funding.

If it is something which is fairly direct, I would think it appropriate. But where you have something which is as complicated as this matter is—there have been no hearings on it, there has been no opportunity for the Secretary of Education to come in to offer an opinion, there has been no opportunity for the Secretary of the Treasury to come in and offer an opinion.

We have an article from U.S. News & World Report which I can't even get a copy of. I sent over for a copy a few minutes ago so I could have an opportunity to read it and so I would be in a position to know a little something about what the Senator from New Jersey offers an amendment to effect, as he calls it, a "swing" of billions of dollars. I would not like to swing on billions of dollars on a U.S. News & World Report article I can't even get a copy to read.

The Senator from New Jersey has an amendment. It would have been helpful to have had it in advance of the moment when he offered it. If he is relying on an article, it would have been helpful to have the information.

I am very much concerned about what is proposed to be an offset here. The last part of his amendment, which I have just seen, provides that the funds appropriated under this act to the National Institutes of Health—\$200 million—shall not be available for obligation until September 30, 2004.

Anybody who tampers with the funding of the National Institutes of Health for any amount of money is going to draw strenuous objection from this Senator. The ranking member, Senator HARKIN, and I have worked for many years to double NIH funding from \$12 billion to \$27 billion. On a murky amendment such as we have today and not knowing where it goes, I would strenuously object to it on the grounds that it ought to be considered in an authorizing committee, and that before we tamper with the National Institutes of Health on this funding, even though it may not amount to a great deal of money, because I don't know how much they will obligate, the \$200 million has the potential to be very substantial. But I would strenuously urge my colleagues to reject the amendment.

I hope to have an opportunity to read U.S. News & World Report before the night is over.

Mr. HARKIN. Mr. President, I am sorry. I don't know who has the floor?

The PRESIDING OFFICER. The Senator from New Jersey has the floor.

Mr. CORZINE. I thank the President. I will respond to the Senator from Pennsylvania.

It is not the U.S. News & World Report calculations. The Congressional Research Service calculated what the impact is. It is a Federal study. The stimulus doesn't come from U.S. News & World Report. It is reporting to the

public what some of the changes are. I think it is important that we do what is necessary to make sure higher education is openly available to every student and to every family.

That is what the amendment is about. It is very simple. It is not changing the law. It is dealing with an issue of regulation. The Department of Education has chosen to deal with one in 10 years. It is going to change the flow of funds that is made available—Pell grants, loans, and other financial aid—to students across the country.

I would be more than happy to provide my own copy of U.S. News & World Report. But they didn't do the analysis. The analysis was done by the Congressional Research Service in a study provided to the Department of Education.

I hope we can consider this not on the basis of publications but looking at it from the effective study of some of the Government agencies that have looked at it.

Mr. HARKIN. Will the Senator yield?

Mr. CORZINE. Certainly.

Mr. HARKIN. First, I thank the Senator for his amendment on issues at NIH. I very seldom disagree with my esteemed friend and chairman of the subcommittee, Senator SPECTER. I may have a slight disagreement here.

A couple of questions: First, I noticed on the chart that the deduction for my State of Iowa was 57 percent. That looked to be one of the highest of all the States, if I am not mistaken. Is a 57-percent reduction correct?

Mr. CORZINE. The distinguished Senator from Iowa is reading the chart correctly.

Mr. HARKIN. Would the Senator state what that would mean? Give me some idea what that might mean for a family in Iowa that applied for student aid, has been getting student aid, a son or daughter going to a private college—Simpson College or Graceland or Clarke or a number of colleges in Iowa. They have been applying for student aid and all of a sudden they get hit with this change. Give me some idea what that means for that family that is eligible for student aid with a couple of kids in high school and maybe they have a couple of kids in college.

Mr. CORZINE. The Federal study has shown that 84,000 kids across this country would be dropped from the Pell grant program itself, completely eliminated.

Mr. HARKIN. Is the Senator saying there could be young men and women in Iowa who are in college who are getting Pell grants, eligible for Pell grants today, who, because of this change in this Department of Education regulation—not a law, but a regulation—will be denied access to Pell grants next year?

Mr. CORZINE. This change in regulation is done once in 10 years, by the way, not on a systematic every-year basis looking at what is going on in the States. It will have the potential to affect your students in Iowa or my students in New Jersey and anywhere

across the country. The effect is quite substantial, and it also can reduce that amount somebody would be eligible for a Pell grant. So \$4,000-plus could be reduced to \$2,000. This could be meaningful dollars in grants that are lost to students across this country just at a time, by the way, when tuition is going up 10 percent a year—in that neighborhood—in State universities across the country, at the same time that universities are having to cut back classes because they do not have the resources coming and budgets are being reduced from the State governments. It is a difficult mix of things to be implemented.

We ought to act sooner rather than later. That is why we are talking about it now.

Mr. HARKIN. Would the Senator say further that this change in this regulation not only affects the families that need this student aid, the young people going to college who need the student aid but, again, when they get the student aid, they use it usually to pay their tuition at school, so not only does it hurt the families—it is a double hit—it also hits the schools, too?

Mr. CORZINE. When students have to drop out or are not be able to go, and there is a decreased demand for higher education from students, that would happen. We are losing a major investment in human capital as time goes on.

Clearly, universities are hurt. They are having to deal with trying to find other sources of aid, basically trying to find jobs for kids so they can work at the same time they go to school.

It seems to me we are being very shortsighted in implementing such a regulation which does not conform with the facts anywhere. It has been talked about broadly, obviously in the media. There have been studies equally by a number of government institutions. I hope the Senate will consider this in the long run best interest of the country. We are not changing the fiscal year for the NIH funding, just delaying the timing.

Mr. HARKIN. If the Senator will yield for my last question, I want to make sure I am correct that the Senator in his amendment is not taking any money away from NIH; is that correct?

Mr. CORZINE. That is correct. As a matter of fact, I am supportive of what both the Senator from Pennsylvania and the Senator from Iowa have done to double NIH funding over a period of time. I will continue to support that. I believe very strongly in it.

Mr. HARKIN. I know the Senator has been supportive of our efforts to increase funding of NIH.

As I understand the amendment of the Senator from New Jersey, it delays until September 30, the last day of the fiscal year, by \$200 million, NIH obligations. It is my information that NIH estimates that it will obligate \$8 billion next September. In September of next year it will obligate during September, 1 month, \$8 billion.

I assume they work on a 5-day work-week. I assume that. I know NIH does

research 7 days a week, but in terms of this, that is 20 days out of the month, so \$8 billion for 20 days. If we could figure out how much that is a day, that is \$400 million a day.

What the Senator is basically saying, we are just asking for one-half day, to delay until September 30.

Now, if, in fact, they do \$8 billion in September and do it evenly, which they do not normally do, but if they do, they will be obligating \$400 million on September 30 anyway, so the Senator is saying that for purposes of getting the funding we need for this, we are simply going to ask to officially delay \$200 million until the last day of the month. They can still obligate it. This gets us the money we need to pay for the Senator's amendment. Am I correct in what I said?

Mr. CORZINE. The Senator from Iowa is exactly correct. He is talking about how budget accounting works in the Federal Government, which is a cashflow system. We are in no way trying to undermine the ability of NIH to be effective.

Mr. HARKIN. One last observation. If it is \$200 million, we take no money away. They will obligate \$8 billion in September anyway. That \$200 million is one dollar out of every 40. That is all you are saying they will obligate on September 30. I have to believe it. I have been around NIH now for the 19 years I have been privileged to serve on this committee, and I watched how they obligate money and how they spend money. Quite frankly, it is in this Senator's judgment that asking NIH to obligate \$200 million the last day of the month is nothing. That is a no-brainer. They will do that anyway, but it gets us the money needed to make sure we do not shortchange the kids and their families needing help for Pell grants and help meet the needs of our higher education, our institutions so they can get the young people in and pay the tuition.

In that regard, I ask unanimous consent to add my name as a cosponsor, and I ask unanimous consent, also, that Senator REID of Nevada be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORZINE. I yield the floor.

Mr. SPECTER. Mr. President, my calculations differ. I took \$8 million—and I don't know if that is a correct figure or incorrect figure—and that works, to me, to be \$20 million a day. So if you are talking about \$200 million, that is considerably more than the calculations we have just heard.

I don't think it is too important how much money it is. If it is delayed funding which is available for the National Institutes of Health, I think it is a bad idea.

Mr. HARKIN. Four hundred million dollars a day.

See, Mr. President, that is why we need a hearing. I thank the Senator from Iowa for proving my point. This is not something that you can roll off the

back of your hand going into the 15th hour of the day, a little before 9 o'clock Eastern Standard Time.

But whatever the calculation comes out to be, I would strenuously object to tampering with any of the NIH money. And I say that after having put a lot of blood, sweat, and tears, along with my colleague from Iowa, on getting the funding up.

When the Senator from New Jersey says he is not changing the law, I think he is categorically wrong. If you are stopping the funding so that the change in the formula cannot be worked out, it is conclusively changing the law.

This amendment to this appropriations bill is a specific effort to change the law. When you talk about a swing of billions of dollars—and I don't know whether that is right, wrong, or indifferent, but that is the representation made by the Senator from New Jersey—the impact on looking for an offset can hardly be de minimis, can hardly be minuscule, can hardly be irrelevant.

You are talking about a swing of billions of dollars. I don't know that is so, but I would like to know a lot more about this amendment and what its impact is. And I would like to know a lot more about this whole idea of reducing student aid based upon some formula. I am not familiar with it. And this is something which I think the Department of Education and the Department of the Treasury would like to comment about.

In an effort to peruse this Congressional Research Service document just a bit, I have some bedtime reading. In fact, I have quite a bit—U.S. News & World Report. But I note a paragraph in this CRS document. It is CRS-8, and it says this:

Quantifying the impact of the May 30th revisions to the state and other tax allowance tables will require identification of which students will have their eligibility for federal aid affected by changes in their [expected family contributions] and to what extent. Although it would appear that the levels of federal aid awarded to many students will be affected by these revisions, without substantial and complex modeling, the size of that student population and the financial effect on federal aid programs remain largely undetermined.

So to repeat, it says: "It would appear that the levels of federal aid awarded to many students will be affected by these revisions. . . ." It does not know it for sure. It says "without substantial and complex modeling"—which supports what I am talking about, that you need to know what this is really all about, which you should have a hearing on—"the size of that student population and the financial effect on federal aid programs remain largely undetermined."

I would ask the Senator from New Jersey, since he cites this as his authority, How does he explain this authority saying that it is largely undetermined on the basis of the existing record?

Mr. CORZINE. The Senator from Pennsylvania is asking me a question. I would just remark that the Education Department indicates that Pell grant costs will be potentially impacted by \$270 million or less. And they estimate—the Department of Education—based on the information of the CRS, that 84,000 students would lose eligibility altogether. They did not make an estimate about how many other students would lose partial eligibility, partial coverage. And they made no estimate with regard to how other people in private institutions or State institutions, using the same calculations of allowances for State and local taxes, would do it. Just know it will be quite substantial, not impacting the Federal Government but impacting how student aid is allocated nationally.

Now, very clearly, the Education Department accepts the estimation of 84,000 students losing eligibility for Pell grants. It is not U.S. News & World Report. It is their estimate from their own budget service.

I think the Senator is looking at the CRS report of June 25, 2003. And that point is made on—let's see if I can help the Senator from Pennsylvania. It is on CRS-8.

Mr. SPECTER. Well, Mr. President, I have an additional question.

How can the Senator from New Jersey make the assertions he has when his own authority says there would have to be "substantial and complex modeling" to determine "the size of that student population and the financial effect on federal aid programs" which "remain[s] largely undetermined"?

Mr. CORZINE. I think the Senator from Pennsylvania has heard me say that the only number I have used specifically is the 84,000 that CRS has estimated would lose all Pell grant assistance, not the full calculation of how many individual students would lose partial benefits on grants and student loans, by way of Stafford loans and other things, which would be much more complex. And that is what they are pointing out.

Mr. SPECTER. Well, Mr. President, the essence is that when you want to stop funding to carry out existing law, there ought to be a lot more understanding of what is going on. And our processes for legislation are customarily carried out by the introduction of bills and by hearings. And when you affect the Department of the Treasury, you affect the Department of Education, you affect swings of billions of dollars—again, the language of the Senator from New Jersey.

This is not the way to accomplish that result. I oppose this amendment.

Mr. President, are we prepared to move now to the final amendment of the evening, the amendment from the Senator from Nevada?

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1603 TO AMENDMENT NO. 1542

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1603.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for certain education and related programs)

At the end of title III, insert the following: SEC. 306. (a) In addition to any amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) an additional \$85,000,000 to carry out title III of the Elementary and Secondary Education Act of 1965 (language instruction);

(2) an additional \$6,449,000 to carry out part A of title V of the Higher Education Act of 1965 (Hispanic-serving institutions);

(3) an additional \$4,587,000 to carry out part C of title I of the Elementary and Secondary Education Act of 1965 (migrant education);

(4) an additional \$11,000,000 to carry out high school equivalency program activities under section 418A of the Higher Education Act of 1965 (HEP);

(5) an additional \$1,000,000 to carry out college assistance migrant program activities under section 418A of the Higher Education Act of 1965 (CAMP);

(6) an additional \$12,776,000 to carry out subpart 16 of part D of title V of the Elementary and Secondary Education Act of 1965 (parental assistance and local family information centers); and

(7) an additional \$69,000,000 to carry out migrant and seasonal Head Start programs: *Provided*, That such sum shall be in addition to funds reserved for migrant, seasonal, and other Head Start programs under section 640(a)(2) of the Head Start Act.

(b) Of the funds appropriated in this Act for the National Institutes of Health, \$146,000,000 shall not be available for obligation until September 30, 2004.

(c) The amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$7,085,011,000 and the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$6,593,489,000.

Mr. REID. Mr. President, I am not going to debate this amendment tonight. We have no vote scheduled tomorrow. I am not sure we are going to have a vote on it tomorrow. But I will discuss it tomorrow. I am not going to discuss it anymore tonight.

The PRESIDING OFFICER. Who seeks recognition?

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Will my friend yield?

Mr. SPECTER. I do.

Mr. REID. It is my understanding you are going to raise a budget point of order on the amendment offered by the Senator from New Jersey?

Mr. SPECTER. No, I am not because it does not lie. If I could, I would.

Mr. REID. I missed the first part of the debate.

Mr. SPECTER. I missed most of the debate myself.

Mr. REID. Mr. President, I ask for the yeas and nays on the Corzine amendment.

The PRESIDING OFFICER. Without objection, it will be in order to request the yeas and nays at this time.

Mr. REID. I ask for the yeas and nays on the Corzine amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, the White House and the Republican Congress see a perfect storm coming. Our policy in Iraq is crashing, the Federal budget is crashing, and so are State and local budgets. Family budgets are crashing, too. The administration and the Republican Congress are worried that their power to stay in office is crashing along with the electric power grid.

The overtime issue should be an embarrassment for anyone who supports the Republican position. It's a symbol of all that's wrong with so many of their other policies.

Three million Americans have lost their jobs since President Bush took office. Ninety-three thousand more were lost in August alone—the seventh consecutive month of job losses.

This is no time to end overtime. It's precisely the wrong time.

We need to create more jobs to bring this troubled economy back to life.

But under the Bush proposal, businesses can raise their profits by asking employees to work harder for lower pay, and avoid hiring new employees.

Especially in times like these, the right to overtime pay is a clear incentive for firms to create jobs, because it encourages employers to hire more workers instead of asking current employees to work longer hours.

We know that employees across America are already struggling hard to balance their family needs with their work responsibilities. Requiring them to work longer hours for less pay will impose an even greater burden in this daily struggle.

Protecting the 40-hour work week is vital to protecting the work-family balance for millions of Americans in communities in all parts of the nation. The last thing Congress should do is to allow this anti-worker administration to make the balance worse than it already is.

What can the administration be thinking, when it comes up with such a shameful proposal to deny overtime protections on which millions of workers rely?

According to the Congressional General Accounting Office, employees

without overtime protection are twice as likely to work overtime as those covered by that protection. Americans are working longer hours today than ever before—longer than in any other industrial nation. At least 1 in 5 employees now has a work week that exceeds 50 hours, let alone 40 hours.

Congress cannot sit idle while more and more Americans lose their jobs, their livelihoods, their homes, and their dignity. Denying overtime pay rubs salt in the open wounds.

The 8 million Americans who will lose their right to overtime under the Bush administration regulation include police officers, firefighters, nurses, and EMTs the heroes of September 11. With the anniversary of that tragic day just 2 days away, we can't help but remember the horrifying images of that day. The many lives lost.

The exhausted firefighters raising the American flag. And we recall the long, grueling hours so many of our first responders invested to protect and save their fellow Americans.

Today our first responders work long hours keeping our Nation safe from terrorism and other threats. President Bush wants to take away their overtime pay.

Cutbacks in overtime pay are a nightmare that no worker should have to bear. Overtime pay now makes up a quarter of the total pay of workers who receive it. The administration's proposal will mean an average pay cut of \$161 a week for them. Hard-working Americans don't deserve this pay cut, and it's wrong for the administration to try to force it on them.

Our Democratic amendment is clear. It says that no worker now eligible for overtime protections can lose it as a result of the new regulation.

The overtime protections in the Fair Labor Standards Act have been a fundamental right of the Nation's workers for more than half a century. That basic law was enacted in the 1930s to create a 40-hour workweek. It requires employees to be paid fairly for any extra hours.

I urge my colleagues to support this essential proposal to keep the faith with the Nation's working families. We will continue the battle to restore jobs, provide fair unemployment benefits, and raise the minimum wage, and we will do all we can to preserve the overtime protections on which so many Americans families depend.

Mr. SPECTER. Mr. President, I ask unanimous consent that at 9:45 a.m. on Wednesday, the Senate proceed to a vote in relation to the following amendments in the order stated: Harkin 1580, Schumer 1595, Reed 1595—I have two 1595s—the three Reed amendments, 1592, 1596, and Corzine 1602. I further ask unanimous consent that there be 2 minutes equally divided for debate prior to the vote in relation to each amendment beginning with the second vote; further, that no amendments be in order to any of the amendments prior to the vote.

Mr. REID. Reserving the right to object, Senator SCHUMER has offered only one amendment, so we will make sure that we are voting on the right amendment. Senator SCHUMER is No. 1598, so the RECORD should reflect that. I ask, further, that the request of my friend from Pennsylvania be modified that the following would be added: That there be 4 minutes for debate equally divided prior to Reed amendment No. 1595. That would be after the Schumer amendment. Rather than 2 minutes, it would be 2 minutes on each side, a total of 4 minutes. Further, I ask that the votes following the Harkin amendment be 10 minutes in length.

Mr. SPECTER. Agreed to.

Mr. REID. Prior to entering the consent, Mr. President, I would note that we hope to have three more votes lined up here. On the Mikulski amendment, there has been a good faith offer made by the other side. We will discuss that with Senator MIKULSKI in the morning. Maybe we won't have to have a vote on that. And then we were hoping to have a vote on the Dodd and Gregg amendments. We will do those side by side. The two leaders agreed that those two votes would follow the Harkin amendment. I am not going to say a lot about that now. I know Senator GREGG says he does not have his ready to go yet. I have spoken to Senator DODD at home this evening. He said he is agreeable to doing it following this sequence of votes. So following the Corzine amendment, I hope we can have the two votes that are going to be cast dealing with Dodd and Gregg which are on the same subject matter, I understand.

Having said that, I have no objection to the consent as modified.

The PRESIDING OFFICER. Without objection, as modified, it is so ordered.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent to proceed as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TERRORIST PENALTIES ENHANCEMENT ACT OF 2003

Mr. SPECTER. Mr. President, I have sought recognition to speak on a bill that I will introduce to increase the criminal penalties relating to terrorist murders and to deny Federal benefits to terrorists, and for other purposes.

I authored the Terrorist Prosecution Act of 1986, which provides for extraterritorial jurisdiction to try in United States courts anyone who assaults, maims, or murders a U.S. citizen anywhere in the world. And that bill, which provides for the death penalty, has been enacted into law and has been very helpful.

I have been trying to extradite Palestinian Authority terrorists who have murdered United States citizens abroad. This bill would go beyond existing law to provide for the death penalty in all terrorist offenses resulting in death. It adds the death penalty as a

punishment in a number of situations that do not currently provide for the death penalty, such as sabotage of a national defense installation, sabotage of a nuclear facility, or destroying an energy facility.

In addition, this legislation includes conspiracy and attempt to commit terrorist acts in the list of terrorism offenses subject to the death penalty. It would enable prosecutors to seek the death penalty for terrorist fundraisers, for example.

Another important aspect of this legislation would be to remove the so-called gateway factors to impose the death penalty for terrorist offenses. It adds terrorism to the list of offenses, espionage and treason, for which the death penalty can be imposed without the gateway factors being met. For other offenses, the death penalty can only be imposed if there is a direct link between the criminal act and the death of a victim and prosecutors do not believe they can establish such a link in the case of a terrorist fundraiser.

There are Supreme Court decisions which preclude the imposition of the death penalty, for example, on the driver of a getaway car in a felony murder or robbery murder. Someone in the getaway car cannot get the death penalty because the Supreme Court has said it is too remote. And when I have pressed the Department of Justice to proceed with criminal prosecutions and to seek the death penalty for terrorists, for people who contribute to organizations such as Hamas, where they know there are terrorist branches and instigation of the murdering of U.S. citizens, as they did some months ago at Hebrew University and in other situations, the prosecutors have said to me they are concerned that the analogy to the driver of a getaway car might prevent the imposition of the death penalty.

Frankly, I disagree with that assessment because the driver of a getaway car may not be considering the consequence of death. And the contributors to terrorist organizations, knowing what those organizations do, are really on notice and are accessories before the fact to murder. I think they ought to be held liable under existing law. But to clear up any ambiguity, this legislation would remove those limitations and would make such contributors to terrorist organizations liable for the death penalty as accessories before the fact.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

S.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Terrorist Penalties Enhancement Act of 2003".

#### SEC. 2. PENALTIES FOR TERRORIST MURDERS.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:



**“§ 2339D. Terrorist offenses resulting in death**

“(a) PENALTY.—A person who, in the course of committing a terrorist offense, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.

“(b) TERRORIST OFFENSE DEFINED.—In this section, the term ‘terrorist offense’ means—

“(1) international or domestic terrorism as defined in section 2331;

“(2) a Federal crime of terrorism as defined in section 2332b(g);

“(3) an offense under this chapter;

“(4) section 175, 175b, 229, or 831 of this title;

“(5) section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284); or

“(6) an attempt or conspiracy to commit an offense described in paragraph (1), (2), (3), (4), or (5).”.

(b) CHAPTER ANALYSIS.—The chapter analysis of chapter 113B of title 18, United States Code, is amended by inserting at the end the following:

“2339D. Terrorist offenses resulting in death.”.

(c) AGGRAVATING FACTORS.—

(1) IN GENERAL.—Section 3591(a)(1) of title 18, United States Code, is amended by striking “or section 2381” and inserting “2339D, or 2381”.

(2) CONFORMING AMENDMENT.—Section 3592(b) of title 18, United States Code, is amended—

(A) in the heading, by striking “AND TREASON” and inserting “, TREASON, AND TERRORISM”; and

(B) in paragraph (1)—

(i) in the heading, by striking “OR TREASON” and inserting “, TREASON, OR TERRORISM”; and

(ii) by striking “or treason” and inserting “, treason, or terrorism”.

**SEC. 3. DENIAL OF FEDERAL BENEFITS TO TERRORISTS.**

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

**“§ 2339E. Denial of Federal benefits to terrorists**

“(a) IN GENERAL.—Any individual who is convicted of a Federal crime of terrorism (as defined in section 2332b(g)) shall, as provided by the court on motion of the Government, be ineligible for any or all Federal benefits for any term of years or for life.

“(b) FEDERAL BENEFIT DEFINED.—As used in this section, ‘Federal benefit’ has the meaning given that term in section 421(d) of the Controlled Substances Act (21 U.S.C. 862(d)).”.

(b) CHAPTER ANALYSIS.—The chapter analysis of chapter 113B of title 18, United States Code, is amended by inserting at the end the following:

“2339E. Denial of Federal benefits to terrorists.”.

**REMEMBERING GENERAL BILL CREECH**

Mr. ENSIGN. Mr. President, I rise today to pay tribute to a man of remarkable leadership, dedication, and courage and to join Nevadans and Americans in mourning the loss of retired Air Force General Bill Creech.

As chairman of the Military Readiness Subcommittee, I have learned a great deal about what it has taken and what it will continue to take for our armed services to be the top military in the world, bar none. For the strength, effectiveness, and success of

today's Air Force, this nation owes a debt of gratitude to Bill Creech.

Creech started as a private in the Air Force in 1944, and as he rose 14 rungs to four-star general, he never forgot what it was like to be at the bottom. During almost 40 years of service to this nation, he flew 280 missions as a combat pilot and was decorated 39 times, including 22 awards for bravery in combat.

In 1960, he came to Nellis Air Force Base in Las Vegas where he was director of operations for the “Top Gun” Fighter Weapons School and during which his relationship to southern Nevada first formed.

In 1978, he earned his fourth star and became commander of the Tactical Air Command, or TAC, at Langley Air Force Base in Virginia. During his 6½ years as commander, Creech showed the Air Force how to get the job done, and his leadership continues to be a lesson to us all. Under his direction, TAC's productivity improved by 80 percent and resulted in \$12 billion of savings for the government.

And while Creech cut out the fat and waste, he oversaw the development of a new generation of air fighters including many modern jets as well as our prized Stealth fighter that eludes radar detection. Creech also used his experiences in Vietnam to develop night-flying tactics that led to our victories in the Persian Gulf War and Iraq.

After his retirement from the military, Creech became an internationally recognized management consultant with a best-selling book on total quality management based on his success restructuring the Air Force. For anyone who manages a single office or a multi-billion dollar corporation, Creech's message is invaluable. By rewarding accomplishments, creating pride in ownership, and developing a team atmosphere, the human factor endures and success results.

To southern Nevadans, Bill Creech will always hold a special place in our hearts for his loyalty and dedication to our beloved Thunderbirds, the air demonstration team that calls Nellis Air Force Base home. A Thunderbird pilot who flew 125 demonstration shows, Creech was once referred to as “the father of the Thunderbirds,” and he believed that the Thunderbirds inspired young people to join the Air Force.

The Thunderbirds exist today because Bill Creech stood up for them. After four pilots were killed in flight, he publicly stated that if the team suffered an accident during his tenure he would resign. We are grateful that he took that stand. I have had the honor of watching the Thunderbirds in action on many occasions. They display the power and awesomeness of our Air Force and the dedication of people like Bill Creech who lift this nation to new heights so that we may all continue to soar.

To Bill's wife, Caroline, I offer the condolences and admiration of Nevadans and Americans. This great Nation

that Bill Creech risked his life for and lived his life for will always be grateful for his contributions.

**THE SMALL BUSINESS ADMINISTRATION 50TH ANNIVERSARY REAUTHORIZATION ACT OF 2003**

Mr. BOND. Mr. President, I rise today in recognition of S. 1375, the Small Business Administration 50th Anniversary Reauthorization Act of 2003. This bill revitalizes existing SBA programs and brings to life new pilot programs, all of which promote the demands and growth of the small business community. I commend the Chair, Senator SNOWE, for passing this bill through the Small Business Committee with unanimous support.

Upon final passage of this bill, we will take a giant step toward improving and refining the SBA and its programs. With the new provisions that enhance Agency recordkeeping and realign program operations under a more appropriate department, it is clear that Agency accountability and oversight will be strengthened. In addition, small businesses will benefit from improvements in the lending programs, greater access to capital, new innovations in the entrepreneurial programs, expansion of procurement programs, and improved training and assistance provisions.

According to the SBA's Office of Advocacy, small businesses represent more than 99.7 percent of all employers, employ more than half of all private sector employees, and generate 60 to 80 percent of net new jobs annually. Given these statistics and the difficult financial times we face in today's economy, I urge Congress to continue to nurture the needs of the small business community. We must show enthusiastic support for this bill, which I am confident will provide the SBA with greater tools to keep pace with the ever-changing global economy and to serve the small business community in a more effective and efficient manner. To act otherwise could jeopardize this Nation's much-needed job growth and innovation.

I refer to an important small business program titled the Historically Underutilized Business Zone Contracting Program, or as it is commonly referred to, the HUBZone Program. This small-business program was one of my personal priorities as former chairman of the Senate Small Business Committee. It was established in 1997 with the intent to create jobs in severely economically distressed communities, both rural and urban. In addition, the HUBZone program provides a federal contracting preference as an incentive for small businesses to locate in these low-income areas. The jobs created by the HUBZone Program bring money to those blighted areas and create a demand for more goods and services, which leads to the creation of more small businesses and increased commerce in the area. Little

by little, the community's economic base is reborn.

Today, there are over 8,378 small businesses that are HUBZone certified, and the Government has procured approximately \$1.7 billion in HUBZone contracting this year. The SBA reports that in fiscal year 2001, each dollar spent on the program yielded a return of \$288 in contract awards and as a result, the program helped to create 12,782 jobs in the U.S., approximately 8,974 of which were located in distressed areas.

Based on fiscal year 2001 procurement statistics, HUBZone firms increased employment 33 percent to 50 percent as a result of contract awards. Nearly 50 percent of HUBZone firms increased capital expenditures as a result of receiving contracts in fiscal year 2001. As our economy struggles during these difficult times, this vital program will continue to bring jobs to our Nation's inner cities, poor rural counties, and Indian reservations.

I urge Congress to support the HUBZone Program in its current form along with the new amendments provided in the Senate's version of the SBA Reauthorization Act of 2003. Any additional changes not supported by the full Senate Committee on Small Business could seriously undermine the original intent of the program.

Thank you for the opportunity to speak today on behalf of the small business community. I encourage my colleagues to support Senator SNOWE and S. 1375, the Small Business Administration 50th Anniversary Reauthorization Act of 2003.

#### FINDING THE CONNECTION

Mr. VOINOVICH. Mr. President, it has been nearly 2 years since terrorists attacked the United States on September 11, 2001. As our Nation prepares to honor the memory of those who were lost on that tragic day, I would like to submit for the RECORD a piece that I read in yesterday's Cleveland Plain Dealer that was written by Christy Ferer, whose husband, Neil Levin, perished in the World Trade Center. I was deeply moved by her words, which serve to remind us of the reason behind our ongoing efforts to promote the virtues of freedom and democracy as our men and women in uniform remain on the front lines in the fight against terrorism in Iraq, Afghanistan, and other parts of the world. We owe them our deepest gratitude.

I ask unanimous consent the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Plain Dealer, Sept. 8, 2003]

FINDING THE CONNECTION

(By Christy Ferer)

When I told friends that I was making a pilgrimage to Iraq to thank the U.S. troops, their reactions were underwhelming at best.

Some were blunt: "Why are you going there?"

They couldn't understand why it was important for me, a Sept. 11 widow, to express my support for the men and women stationed today in the Persian Gulf.

The reason seemed clear, as far as I was concerned. I was going not to embrace the war, but to embrace the warriors.

I didn't intend to use the emotional capital generated by my connection to Sept. 11, 2001, to defend the U.S. presence in the Gulf. And I am certainly aware there is no proof yet that Saddam Hussein was linked to those terrorist attacks.

But I wanted to go to Iraq because I am the daughter of a World War II veteran who was decorated with a Purple Heart, and because I am the widow of a man who lost his life in what some feel was the opening salvo of World War III.

I wanted, needed, to honor my father and my husband, their service and sacrifice, by standing before those who were now making sacrifices and serving our country.

But my friends' reactions were so politely negative that I began to doubt my role in the first USO/Tribeca Institute tour into newly occupied Iraq. Besides, with Robert DeNiro, Wayne Newton and Rebecca and John Stamos, who needed me? I'm hardly a celebrity.

Did U.S. soldiers really want to hear about my husband, Neil Levin, who went to work as director of the Port Authority of New York on Sept. 11 and never came home?

How would they relate to the two other bereaved people traveling with me—Ginny Bauer, a N.J. homemaker and mother of three who lost her husband, David, and former Marine Jon Vigiano, who lost his only sons, Jon, a firefighter, and Joe, a policeman?

As we were choppered over the bleached deserts, I wondered if I'd feel like a street hawker, passing out Port Authority pins and baseball caps as I said "Thank you" to the troops. Would a hug from me compare to hugs from a Victoria's Secret model, or the Dallas Cowboys cheerleaders?

The first "meet and greet" made me weep. My own daughters are old enough to be soldiers. Here were their peers—18-years-olds, armed with M-16s and saddlebags of water in the 120-degree heat. The soldiers swarmed around the stars for photos and autographs. Then it was announced that a trio of Sept. 11 family members was also in the tent.

It was as if an emotional dam had burst.

Some wanted to touch us, as if they needed a physical connection to our sorrow, and living proof of one reason they were there. One mother of two from Montana told me she'd signed up because of Sept. 11, and dozens of others said the same. One young man showed me his metal bracelet engraved with the name of victim he'd never known and that awful date none of us will ever forget.

At every encounter with the troops, there was a surge of reservists—firefighters and cops, including many who had worked in the rubble of Ground Zero—who had come to exchange a hometown hug. Their glassy eyes still didn't allow anyone to penetrate to the place where their trauma is lodged, the trauma that comes with devastation unimaginable to those who didn't witness it. It's there in me, too. I forced my way downtown on that terrible morning, convinced I could find Neil beneath the rubble.

I was not prepared for the soldiers who showed us the World Trade Center memorabilia they'd carried with them into the streets of Baghdad. Others had been holding in stories of personal Sept. 11 tragedies that had made them enlist.

To those men and women, it didn't seem to matter that Saddam's regime had not produced the murderers of Sept. 11. What they made clear to me was their belief that des-

potic rulers like Saddam fuel the volatile anti-American sentiment that breeds such terrorism: They feel they are in Iraq to stabilize the Gulf region, and thus to protect U.S. soil.

At Saddam Hussein International Airport, where Kid Rock gave an impromptu concert in a steamy hangar, Capt. Jorge Vargas from the Bronx tapped me on the back. He'd enlisted in the Army after some of his wife's best friends were lost at the World Trade Center. When he saw the piece of recovered metal from the Towers that I had been showing to a group of soldiers, he grasped for it as if it were a grail.

Then he handed it to Kid Rock, who passed the precious metal through the 5,000 troops in the audience. They lunged at the opportunity to touch the steel that symbolized what so many of them felt was the purpose of their mission. Looking into that sea of khaki gave me chills, even in the blistering heat.

When I got to the microphone, I told the soldiers we hadn't made the journey to hear condolences, but to thank them and to say that the families of Sept. 11 think of them every day. The crowd interrupted me with chants of "U.S.A.! U.S.A.! U.S.A.!" Many cried.

What happened next left me with no doubt as to why I had come.

There I was on stage, quaking before thousands of troops because I was to present a small piece of the World Trade Center steel to Gen. Tommy Franks. As I handed him the icy gray block, his eyes welled up.

I was stunned when the proud four-star general was unable to hold back the tears, which streamed down his face as he stood at center stage before his troops. The men and women in khaki fell silent.

And he turned from the spotlight to regain his composure, I put my arms around him and tried to comfort both of us with an embrace.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO CHESTERFIELD SMITH

● Mr. GRAHAM of Florida. Mr. President, I rise today to pay tribute to the memory of an extraordinary Floridian who was also an American treasure—Chesterfield Harvey Smith.

On Wednesday, July 16, 2003, we lost this resounding voice of conscience to cardiopulmonary complications at Doctor's Hospital in Coral Gables, FL. He was 85.

Chesterfield Smith often called himself a "country lawyer," but he was a pillar of this Nation's legal community. After graduating from the University of Florida's law school in 1948, he joined a law firm that he led through mergers and acquisitions to become one of the country's largest, Holland & Knight. He served as president of the Florida Bar Association in 1964, and then became president of the American Bar Association in 1973.

While ABA president, Mr. Smith condemned President Richard Nixon following the firings of an attorney general and others in the so-called "Saturday Night Massacre" during the Watergate scandal. Mr. Smith's comment—"no man is above the law"—has been described as a turning point in public

opinion. Smith urged that an independent special prosecutor be employed to investigate the President.

"The justice system was being torn down by Nixon's actions," Mr. Smith recalled in an interview with *The Associated Press* in 1999.

Mr. Smith challenged members of the legal profession to provide quality, affordable legal services for all persons in need, insisting that law firms fill in where government funding came short. Always a visionary, he proposed testing of lawyers to weed out incompetents and was an early advocate of equal rights for women and minorities. Among his many honors, in 1969, the Florida State Chamber of Commerce named Chesterfield Smith the first "Distinguished Floridian of the Year," and he was subsequently honored as a "Great Floridian" by Governor Lawton Chiles and the Florida Cabinet.

In 2002, Supreme Court Justice Ruth Bader Ginsburg presented Mr. Smith with an award in recognition of his lifelong commitment to pro bono service.

Born in the small town of Arcadia in southwest Florida, Chesterfield served from 1934 to 1938 with the Florida National Guard. He joined the Army in 1940, prior to Pearl Harbor, where he quickly achieved the rank of Technical Sergeant and was recommended for Officer Candidate School. After attending OCS and being commissioned as a Field Artillery Officer, he served during World War II combat as the Commander of B Battery with the 390th Field Artillery Battalion, 94th Infantry Division, that participated in the Northern France, Rhineland, Ardennes-Alsace and Central Europe Campaigns. His bravery in these campaigns resulted in his being awarded the Bronze Star Medal. He was also awarded the American Defense Service Medal, American Campaign Service Medal, European Middle Eastern Campaign Medal with four Bronze Service Stars and the World War II Victory Medal.

Chesterfield was discharged from the Army, having attained the rank of Captain, in December 1945. He served 6 more years in the Army Reserve, retiring in 1951 with the rank of Major.

After the war, he returned to Florida and graduated from law school at the University of Florida. He joined the firm of Holland, Bevis & McRae in Bartow and quickly made partner. Later, under Smith's leadership, the firm merged with the Tampa firm Knight, Jones, Whitaker and Germany in 1968, and the new firm became Holland & Knight. Smith served as the firm's managing partner for 18 years. Today, Holland & Knight is our nation's eighth largest firm and sets the standard for public service.

In short, this son of Florida bravely served his Nation as a member of the armed services and as a civilian. He truly was worthy of what was his most cherished title: "Citizen Smith."

I urge my colleagues to join me in expressing heartfelt condolences to Ches-

terfield's widow, Jacqueline Allee Smith of Coral Gables, FL and in expressing our appreciation for this great man's lasting legacy. ●

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3964. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Grapefruit and Oranges (Texas and States Other Than Florida, California, and Arizona); Grade Standards" (Doc. No. FV-00-304) received on August 11, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3965. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "United States Standards for Grades of Pistachio Nuts in the Shell and United States Standards for Grades of Shelled Pistachios" (Doc. No. FV-98-304) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3966. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Nectarines and Peaches Grown in California; Increased Assessment Rates" (Doc. No. FV030-916-4 IFR) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3967. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Onions Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon; Increased Assessment Rate and Defined Fiscal Period" (Doc. No. FV03-958-1 FR) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3968. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches" (Doc. No. FV03-916-2 IFR-A) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3969. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Change in Minimum Quality and Handling Standards for Domestic and Imported Peanuts Marketed in the United States" (Doc. No. FV03-996-2 IFR) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3970. A communication from the Administrator, Agricultural Marketing Service, Dairy Programs, transmitting, pursuant to law, the report of a rule entitled "Milk in the Upper Midwest Marketing Area—Final Order" (Doc. No. DA-01-03) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3971. A communication from the Administrator, Agricultural Marketing Service, Dairy Programs, transmitting, pursuant to law, the report of a rule entitled "Milk in the Central Marketing Area—Technical Amendment" (Doc. No. DA-03-09) received on

September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3972. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Classical Swine Fever Status of Mexican States of Baja California, Baja California Sur, Chihuahua, and Sinaloa" (Doc. No. 01-074-2) received on August 13, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3973. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Diflubenzuron; Pesticide Tolerances for Emergency Exemptions" (FRL#7323-1) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3974. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Dried Prunes Produced in California; Decreased Assessment Rate" (Doc. No. FV03-993-4 IFR) received on August 11, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3975. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Dried Prunes Produced in California; Temporary Suspension of the Mandatory Outgoing Prune Inspection and Quality Requirements, and Modification of the Undersized Prune Disposition Requirements Under the Marketing Order; and Suspension of the Prune Import Regulation" (Doc. No. FV03-993-3 IFR) received on August 11, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3976. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Kiwifruit Grown in California; Relaxation of Pack Requirements" (Doc. No. FV03-920-1 FR) received on August 11, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3977. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced from Grapes Grown in California; Reduction in Additional Storage Payments Regarding Reserve Raisins Intended for Use as Cattle Feed" (Doc. No. FV03-989-7 IFR) received on August 11, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3978. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced from Grapes Grown in California; Revision of Varietal Types" (Doc. No. FV03-989-6 IFR) received on August 11, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3979. A communication from the Director, Regulatory Review Group, Farm Service Agency, transmitting, pursuant to law, the report of a rule entitled "Disqualification for Crop Insurance Fraud" (RIN0560-AG70) received on August 11, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3980. A communication from the Director, Regulatory Review Group, Farm Service Agency, transmitting, pursuant to law, the report of a rule entitled "2003 Agricultural Assistance Act—Crop Disaster Program and Livestock Assistance Program" (RIN0560-AG95) received on August 11, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3981. A communication from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "7 CFR Part 1794, Environmental Policies and Procedures" (RIN0572-AB73) received on August 11, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3982. A communication from the Administrator, Food and Safety Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Changes in Fees for Meat, Poultry, and Egg Products Inspection Services—Calendar Year 2003" (RIN05823-AC94) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3983. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Final Testing of Plants Genetically Engineered to Produce Industrial Components" (Doc. No. 03-038-1) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3984. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Exotic Newcastle Disease; Removal of Areas from Quarantine" (Doc. No. 02-117-9) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3985. A communication from the Regulatory Contact, Grain Inspection, Packers, and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Swine Packer Marketing Contracts; Contract Library" (RIN0580-AA71) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3986. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Propylene Carbonate; Exemption from the Requirement of a Tolerance" (FRL#7323-7) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3987. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acetamidrid; Pesticide Tolerance" (FRL#7324-1) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3988. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bifenthrin; Pesticide Tolerance for Emergency Exemption; Technical Amendment" (FRL#7323-9) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3989. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Lambda Cyhalothrin; Pesticide Tolerances for Emergency Exemptions" (FRL#7321-3) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3990. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3991. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Flumioxazin, Pesticide Tolerances for

Emergency Exemptions" (FRL#7319-4) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3992. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Thiamethoxam; Pesticide Tolerances for Emergency Exemptions" (FRL#7320-2) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3993. A communication from the Chief of Staff, Trade and Development Agency, transmitting, pursuant to law, a report of Agency relative to Colombia; to the Committee on Appropriations.

EC-3994. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of a violation of the Antideficiency Act relative to the Federal Transit Administration; to the Committee on Appropriations.

EC-3995. A communication from the Chief of Staff, Trade and Development Agency, a report of Agency funding obligations relative to Colombia and Pakistan; to the Committee on Appropriations.

EC-3996. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Multiyear Procurement Authority for Environmental Services for Military Installations" (DFARS Case 2003-D004) received on August 11, 2003; to the Committee on Armed Services.

EC-3997. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Buy-to-Budget Acquisition of End Items" (DFARS Case 2002-D036) received on August 11, 2003; to the Committee on Armed Services.

EC-3998. A communication from the Under Secretary of Defense, Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report relative to the conclusion of test programs regarding the transportation of household good; to the Committee on Armed Services.

EC-3999. A communication from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-4000. A communication from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-4001. A communication from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the Department's Consolidated Financial Statement, Independent Auditor Report, and Opinion of the Auditor General of the Army; to the Committee on Armed Services.

EC-4002. A communication from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Transactions Other than Contracts, Grants, or Cooperative Agreements for Prototype Projects" (RIN0720-AA49) received on August 11, 2003; to the Committee on Armed Services.

EC-4003. A communication from the Under Secretary of Defense, Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to the C-5 Modernization Program and Alternative Live Fire Test and Evaluation Test Plan; to the Committee on Armed Services.

EC-4004. A communication from the Chairman, Naval Sea Cadet Corps, transmitting, pursuant to law, the Corps' 2001 Annual Audit and Annual Report; to the Committee on Armed Services.

EC-4005. A communication from the Deputy Chief of Naval Operations, Manpower and Personnel, Department of the Navy, transmitting, a report relative to a decision to convert to contractor performance a function of the Department of Defense (DoD) performed by 307 DoD civilian employees; to the Committee on Armed Services.

EC-4006. A communication from the Assistant Director, Executive and Political Personnel, Department of the Army, transmitting, pursuant to law, the report of a nomination for the position of Secretary of the Army, received on August 11, 2003; to the Committee on Armed Services.

EC-4007. A communication from the Assistant Director, Executive and Political Personnel, Department of the Army, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary of Defense, Special Operations/Low Intensity Conflict, received on September 2, 2003; to the Committee on Armed Services.

EC-4008. A communication from the Assistant Secretary, Indian Affairs, transmitting, pursuant to law, the report of a rule entitled "Distribution of Fiscal Year 2003 Indian Reservation Roads Funds" (RIN1076-AE34) received on August 13, 2003; to the Committee on Indian Affairs.

EC-4009. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to direct spending or receipts legislation dated June 5, 2003; to the Committee on the Budget.

EC-4010. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Pennsylvania Regulatory Program" (PA-137-FOR) received on August 13, 2003; to the Committee on Energy and Natural Resources.

EC-4011. A communication from the Commissioner, Federal Election Commission, transmitting, the report of a Statement of Policy Regarding Deposition Transcripts in Nonpublic Investigations; to the Committee on Rules and Administration.

EC-4012. A communication from the Director, Regulations Management, Veterans Benefits Administration, transmitting, pursuant to law, the report of a rule entitled "Schedule for Rating Disabilities; the Spine" (FIM2900-AL68) received on August 22, 2003; to the Committee on Veterans' Affairs.

EC-4013. A communication from the Director, Regulations Management, Veterans Benefits Administration, transmitting, pursuant to law, the report of a rule entitled "Medication Prescribed by Non-VA Physicians" (RIN2900-AL68) received on August 22, 2003; to the Committee on Veterans' Affairs.

EC-4014. A communication from the Director, Regulations Management, Veterans Benefits Administration, transmitting, pursuant to law, the report of a rule entitled "Presumption of Service Connection for Cirrhosis of the Liver in Former Prisoners of War" (RIN2900-AL36) received on August 22, 2003; to the Committee on Veterans' Affairs.

EC-4015. A communication from the Director, Regulations Management, Veterans Benefits Administration, transmitting, pursuant to law, the report of a rule entitled "Increases in Rates Payable Under the Montgomery GI Bill—Selected Reserve" (RIN2900-AL41) received on August 22, 2003; to the Committee on Veterans' Affairs.

EC-4016. A communication from the Director, Regulations Management, Veterans Benefits Administration, transmitting, pursuant

to law, the report of a rule entitled "Filipino Veterans Eligible for Hospital Care, Nursing Home Care, and Medical Services" (RIN2900-AL18) received on August 22, 2003; to the Committee on Veterans' Affairs.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID (for himself and Mr. ENSIGN):

S. 1593. A bill to amend the Head Start Act to improve provisions relating to updating population data; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself, Mr. DASCHLE, Mr. DODD, Mr. LIEBERMAN, Mr. JOHNSON, Mr. BINGAMAN, Mrs. LINCOLN, Mr. FEINGOLD, Mr. LAUTENBERG, Mr. LEAHY, and Mr. DURBIN):

S. 1594. A bill to require a report on reconstruction efforts in Iraq; to the Committee on Foreign Relations.

By Mr. KERRY:

S. 1595. A bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax with respect to employees who participate in the military reserve components and are called to active duty and with respect to replacement employees and to allow a comparable credit for activated military reservists who are self-employed individuals, and for other purposes; to the Committee on Finance.

By Mr. MILLER (for himself and Mr. CHAMBLISS):

S. 1596. A bill to designate the facility of the United States Postal Service located at 255 North Main Street in Jonesboro, Georgia, as the "S. Truett Cathy Post Office Building"; to the Committee on Governmental Affairs.

By Mr. ALLEN (for himself, Mr. WARNER, Mr. EDWARDS, Mrs. DOLE, Mr. HOLLINGS, Mr. GRAHAM of South Carolina, Mr. CHAMBLISS, and Ms. SNOWE):

S. 1597. A bill to provide mortgage payment assistance for employees who are separated from employment; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE:

S. 1598. A bill to require the Comptroller General to carry out a study to determine the feasibility of undertaking passenger rail transportation security programs that are similar to those of foreign countries; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE:

S. 1599. A bill to require the Secretary of Homeland Security to conduct a study of the feasibility of implementing a program for the full screening of passengers, baggage, and cargo on Amtrak trains, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CAMPBELL (for himself and Mr. INOUE):

S. 1600. A bill to provide for periodic Indian needs assessments, to require Federal Indian program evaluations, and for other purposes; to the Committee on Indian Affairs.

By Mr. CAMPBELL (for himself and Mr. INOUE):

S. 1601. A bill to amend the Indian Child Protection and Family Violence Prevention Act to provide for the reporting and reduction of child abuse and family violence incidences on Indian reservations, and for other purposes; to the Committee on Indian Affairs.

By Mr. LEAHY (for himself, Mr. DURBIN, Mr. SCHUMER, Mr. DODD, Mr. LIEBERMAN, Mrs. CLINTON, Mr. CORZINE, and Mr. LAUTENBERG):

S. 1602. A bill to amend the September 11th Victim Compensation Fund of 2001 to extend the deadline for filing a claim to December 31, 2004; to the Committee on the Judiciary.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAHAM of South Carolina (for himself, Mr. SCHUMER, Mr. VOINOVICH, Mr. CHAMBLISS, Mr. LIEBERMAN, Mr. ALLEN, Mr. SPECTER, Mr. ENZI, and Mr. KYL):

S. Res. 219. A resolution to encourage the People's Republic of China to establish a market-based valuation of the yuan and to fulfill its commitments under international trade agreements; to the Committee on Foreign Relations.

By Ms. MURKOWSKI:

S. Res. 220. A resolution designating the ninth day of September of each year as "National Fetal Alcohol Syndrome Awareness Day"; to the Committee on the Judiciary.

By Mr. SARBANES (for himself, Mr. MIKULSKI, Mr. EDWARDS, Mr. KERRY, Mr. PRYOR, and Mr. LEVIN):

S. Res. 221. A resolution recognizing National Historically Black Colleges and Universities and the importance and accomplishments of historically Black colleges and universities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LUGAR (for himself, Mr. BIDEN, Mr. FRIST, Mr. DASCHLE, Mr. MCCONNELL, Mr. LEVIN, Mr. KYL, Mr. BAYH, Mr. HATCH, Mr. GRAHAM of Florida, Mr. LEAHY, Mr. SARBANES, and Mr. HAGEL):

S. Con. Res. 66. A concurrent resolution commending the National Endowment for Democracy for its contributions to democratic development around the world on the occasion of the 20th anniversary of the establishment of the National Endowment for Democracy; to the Committee on Foreign Relations.

#### ADDITIONAL COSPONSORS

S. 170

At the request of Mr. VOINOVICH, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 170, a bill to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and further purposes.

S. 290

At the request of Mr. BINGAMAN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 290, a bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to identify a route that passes through the States of Texas, New Mexico, Oklahoma, and Kansas as a high priority corridor on the National Highway System.

S. 349

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 349, a bill to amend title II of

the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 606

At the request of Mr. GREGG, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 606, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 642

At the request of Mr. BAYH, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 642, a bill to amend the National Trails System Act to extend the Lewis and Clark National Historic Trail.

S. 780

At the request of Mr. LOTT, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 780, a bill to award a congressional gold medal to Chief Phillip Martin of the Mississippi Band of Choctaw Indians.

S. 971

At the request of Mr. HARKIN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 971, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 1091

At the request of Mr. DURBIN, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1091, a bill to provide funding for student loan repayment for public attorneys.

S. 1201

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1201, a bill to promote healthy lifestyles and prevent unhealthy, risky behaviors among teenage youth.

S. 1213

At the request of Mr. SPECTER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1213, a bill to amend title 38, United States Code, to enhance the ability of the Department of Veterans Affairs to improve benefits for Filipino veterans of World War II and survivors of such veterans, and for other purposes.

S. 1283

At the request of Mr. GRAHAM of Florida, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1283, a bill to require advance notification of Congress regarding any action proposed to be taken by the Secretary of Veterans Affairs in the implementation of the Capital Asset Realignment for Enhanced Services initiative of the Department of Veterans Affairs, and for other purposes.

S. 1298

At the request of Mr. AKAKA, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1298, a bill to amend the Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. 1381

At the request of Mrs. LINCOLN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1381, a bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

S. 1434

At the request of Mrs. LINCOLN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1434, a bill to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes.

S. 1528

At the request of Mr. CAMPBELL, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1528, a bill to establish a procedure to authorize the integration and coordination of Federal funding dedicated to the community, business, and economic development of Native American communities.

S. 1545

At the request of Mr. HATCH, the names of the Senator from Connecticut (Mr. DODD), the Senator from Minnesota (Mr. COLEMAN), and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 1545, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents.

S. 1550

At the request of Mr. GREGG, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1550, a bill to change the 30-year treasury bond rate to a composite corporate rate, and to establish a commission on defined benefit plans.

S. 1587

At the request of Mr. BIDEN, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1587, a bill to make it a criminal act to willfully use a weapon, explosive, chemical weapon, or nuclear or radioactive material with the intent to cause death or serious bodily injury to any person while on board a passenger vessel, and for other purposes.

S. RES. 202

At the request of Mr. CAMPBELL, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. Res. 202, a resolution express-

ing the sense of the Senate regarding the genocidal Ukraine Famine of 1932-33.

S. RES. 209

At the request of Mr. JEFFORDS, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Virginia (Mr. ALLEN), the Senator from Utah (Mr. BENNETT), the Senator from Missouri (Mr. BOND), the Senator from California (Mrs. BOXER), the Senator from Montana (Mr. BURNS), the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), the Senator from Mississippi (Mr. COCHRAN), the Senator from Ohio (Mr. DEWINE), the Senator from New Mexico (Mr. DOMENICI), the Senator from North Dakota (Mr. DORGAN), the Senator from California (Mrs. FEINSTEIN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Utah (Mr. HATCH), the Senator from Maryland (Ms. MIKULSKI), the Senator from Georgia (Mr. MILLER), the Senator from Arkansas (Mr. PRYOR), the Senator from Nevada (Mr. REID), the Senator from Kansas (Mr. ROBERTS), the Senator from New York (Mr. SCHUMER), and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. Res. 209, a resolution recognizing and honoring Woodstock, Vermont, native Hiram Powers for his extraordinary and enduring contributions to American sculpture.

S. RES. 212

At the request of Mrs. FEINSTEIN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. Res. 212, a resolution welcoming His Holiness the Fourteenth Dalai Lama and recognizing his commitment to non-violence, human rights, freedom, and democracy.

AMENDMENT NO. 1543

At the request of Mr. BYRD, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Connecticut (Mr. DODD), the Senator from North Dakota (Mr. DORGAN), the Senator from Wisconsin (Mr. KOHL), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Minnesota (Mr. DAYTON), the Senator from Arkansas (Mr. PRYOR), the Senator from New Jersey (Mr. CORZINE), the Senator from Maryland (Ms. MIKULSKI), the Senator from New York (Mr. SCHUMER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. JOHNSON), the Senator from North Carolina (Mr. EDWARDS), the Senator from Washington (Mrs. MURRAY), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Vermont (Mr. LEAHY), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Michigan (Mr. LEVIN), the Senator from New York (Mrs. CLINTON), the Senator from

Vermont (Mr. JEFFORDS), the Senator from Rhode Island (Mr. REED), the Senator from Maryland (Mr. SARBANES), the Senator from Washington (Ms. CANTWELL), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Michigan (Ms. STABENOW), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 1543 proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1552

At the request of Ms. MIKULSKI, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of amendment No. 1552 proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1561

At the request of Mr. DEWINE, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of amendment No. 1561 proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1562

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1562 intended to be proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1566

At the request of Mr. KENNEDY, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Vermont (Mr. LEAHY) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of amendment No. 1566 proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1588

At the request of Mr. BINGAMAN, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of amendment No. 1588 intended to be proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.



STATEMENTS ON INTRODUCED  
BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself and Mr. ENSIGN):

S. 1593. A bill to amend the Head Start Act to improve provisions relating to updating population data; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, it's been more than a year and a half since the No Child Left Behind Act became law. By passing that bill into law, we reaffirmed our commitment to provide every American child with a quality education.

The education of our children must be one of our top priorities, because they are the future of this country. We have to give them the tools they need to succeed.

Unfortunately, the fight against terrorism and the war in Iraq have driven education off the national agenda. This is especially disappointing now because public schools across the Nation are in jeopardy as States struggle to close unprecedented budget deficits. At a time when NCLB is imposing new unfunded mandates on States and local governments, schools have watched helplessly as their budgets have been slashed. Many of these schools are located in poor and rural areas, where the achievement gap is widest. These schools simply don't have the resources they need to do their job, and children are being left behind as a result.

Some States, including Nevada, face an additional problem. These States have extremely high rates of population growth, and as a result they find themselves in a never-ending race to fund the growing demand for education. The formulas that allocate Federal education dollars usually don't factor high growth rates into their calculations. So, schools in these States find their backs against the wall even in the best fiscal conditions. You can imagine how precarious their situation is in a time of record federal and state budget deficits.

I mentioned my State, Nevada. The condition of its public schools is, in many ways, quite dismal. Nevada has one of the highest high school dropout rates in the country and one of the lowest high school graduation rates. It is near the bottom in performance on national reading, writing, and math tests. Per-pupil, Nevada spends less money on its students than all but five other States. I could cite many other statistics, but you get the picture—and it isn't pretty.

There is no magic fix for the problems facing schools in Nevada, or any other state. And because schools are primarily the responsibility of individual states, there is only so much the federal government can do to help. But I believe Nevada's problems stem in part from the fact that its high growth rate prevents it from receiving its fair share of Federal education funding. Nevada is the fastest growing State in the Nation by a wide margin. Its schools

struggle each year to make room for new students. Despite all this, Nevada is dead last in Federal per-pupil education funding. And I want to reiterate that this problem is not unique to Nevada—schools in other states also face budget strains as a result of high population growth rates.

These States deserve their fair share of federal education dollars. It is an issue of fundamental fairness. I hope that we will address this problem in a comprehensive manner the next time we revisit NCLB. In the meantime, however, we should take this opportunity to correct a similar flaw in the way we fund Head Start.

Throughout its 38-year history, Head Start has helped put millions of at-risk children on the path to success by giving them the social and academic skills they need to succeed in elementary school. It is a textbook example of a Federal program that has worked.

Consider some of the statistics. At-risk children who participate in a quality early childhood education program are 33 percent more likely to graduate from high school, and 25 percent less likely to repeat a grade. Since a year of public education for one student costs approximately \$5,900, it is safe to say that Head Start has saved taxpayers millions of dollars.

Young women who participated in a quality early childhood education program have 33 percent fewer children out of wedlock, and are 25 percent less likely to become teen mothers. Every dollar we invest in Head Start translates into four dollars of benefits for at-risk children, their families, and American taxpayers.

So as you can see, Head Start is a critical component of public education in this country. Its holistic approach also addresses many of the underlying causes of poor academic performance by providing medical services and guidance for parents of at-risk children.

But State budget crises have placed Head Start programs under siege along with all other aspects of public education—and programs in high-growth states are among the hardest hit. Nevada has seven centralized Head Start agencies that administer almost 50 Head Start programs throughout the State. At current funding levels, these programs serve approximately 2,500 at-risk children not nearly as many as they could serve with adequate resources.

We need to do everything in our power to help Head Start programs meet demand, because better-prepared students make elementary and secondary schools more effective. And because Head Start is a partnership between the Federal Government and States, Congress has the power to make a real difference on this issue.

That is why I am today introducing the High Growth Head Start Assistance Act. It will reward high-growth States, such as Nevada, for their commitment to Head Start by ensuring that programs in their state receive their fair share of Federal funds.

Congresswoman BERKLEY has introduced a similar bill in the House of Representatives, and I applaud her leadership on this issue.

This bill will make a difference in the lives of thousands of at-risk children in Nevada and across the Nation. It is a matter of fundamental fairness. Most important, it represents a small but significant step toward fulfilling the promise we made a year and a half ago—a promise to leave no child behind.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1593

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. UPDATING POPULATION DATA.

Section 640(a)(4) of the Head Start Act (42 U.S.C. 9835(a)(4)) is amended in the flush matter following subparagraph (B)—

(1) by striking "shall use the most recent data available" and inserting "shall use data that is not more than 2 years old"; and

(2) by striking "use of the most recent data available" and inserting "such data".

By Mrs. FEINSTEIN (for herself, Mr. DASCHLE, Mr. DODD, Mr. LIEBERMAN, Mr. JOHNSON, Mr. BINGAMAN, Mrs. LINCOLN, Mr. FEINGOLD, Mr. LAUTENBERG, Mr. LEAHY, and Mr. DURBIN):

S. 1594. A bill to require a report on reconstruction efforts in Iraq; to the Committee on Foreign Relations.

Mrs. FEINSTEIN. Mr. President, I rise today with Senators DASCHLE, DODD, LIEBERMAN, BINGAMAN, JOHNSON, FEINGOLD and LINCOLN to introduce legislation to require the President to report to Congress on his vision for a democratic, economically viable, and politically stable Iraq, his plan for achieving those goals, and an estimate on how much this is going to cost.

After months of dodging questions, giving half-answers, and ignoring Congressional requests, the time has come for this Administration to level with the American people and Congress and spell-out its plan for rebuilding a country torn apart by years of dictatorial rule, ethnic strife, war, and terror.

Our legislation requires the President within 60 days of the enactment of this act to report to Congress on: the current economic, political, and military situation in Iraq including the number, type and location of attacks on U.S. and Coalition military and civilian personnel in the previous 60 days; a discussion of the measures taken to protect U.S. troops serving in Iraq; a detailed plan for the establishment of civil, economic and political security in Iraq, including the restoration of basic services such as water and electricity and the construction of schools, roads, and medical clinics in Iraq; the current and projected monetary costs incurred by the United States, by Iraq, and by the international community; actions taken



and to be taken by the Administration to secure increased international participation in peacekeeping forces and in the economic and political reconstruction of Iraq; a detailed time-frame and specific steps to be taken for the restoration of self-government to the Iraqi people; cost estimates for achieving those goals; and U.S. and international military personnel requirements for achieving those goals.

I am pleased that, as Secretary of State Colin Powell announced last week, the Administration has finally decided to seek an additional United Nations Security Council Resolution authorizing increased U.N. participation in multinational peacekeeping forces and the political and economic reconstruction of Iraq.

Nevertheless, President Bush waited far too long to seek additional help and, as a result, we will face an ever greater challenge in rebuilding Iraq in the months and years ahead. And this past Sunday, President Bush announced his intention to seek an additional \$87 billion to fund reconstruction efforts and military and intelligence operations in Iraq and Afghanistan.

What we need now is a plan on how to rebuild Iraq, an estimate on how much it is going to cost, what personnel, both military and civilian, U.S. and international, will be needed, and what the end game will look like.

Our troops, along with our British and Australian allies, performed brilliantly in executing Operation Iraqi Freedom. Their unmatched skill, bravery, and professionalism made us all proud. They overthrew a tyrannical regime in three weeks and, for the first time in over thirty years, brought hope to millions of Iraqis. We owe them a tremendous debt of gratitude.

But I believe United States troops assumed too great a burden in terms of manpower and exposure to risk, and will be forced to remain in Iraq longer than expected and at a higher financial cost.

Let us look at the facts.

Sixty-seven Americans have died in hostile action since the President declared an end to major combat operations on May 1, 2003. In total, 286 U.S. troops have died in Iraq, 146 since May 1.

One hundred and thirty-nine thousand U.S. troops are currently serving in Iraq, comprising 85 percent of coalition forces.

Four car bombings in the past month have killed 121 people, including the UN's top envoy to Iraq, Sergio Vieira de Mello.

Earlier this year, Secretary of Defense Donald Rumsfeld stated that the United States is spending approximately \$4 billion a month in Iraq and, given the President's statement Sunday, there is no indication that this figure will go down anytime in the near future.

These are enormous commitments, and yet, we do not have a clear indica-

tion from the Administration about its intentions in Iraq. And that is why I am introducing this legislation.

We have assumed an enormous responsibility in Iraq and we must stay the course. But let us hear from the Administration on how it intends to stay that course and where that course will lead us. I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1594

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Although President George W. Bush declared an end to major combat operations in Iraq on May 1, 2003, as of early September 2003, conditions in parts of Iraq continue to be unstable, and President Bush has not yet provided Congress with a detailed plan that outlines the strategic objectives of Operation Iraqi Freedom, explains how and when the President plans to accomplish these objectives, and estimates the costs to be borne by United States taxpayers and the international community.

(2) On September 7, 2003, President Bush announced his intention to seek an additional \$87,000,000,000 to fund reconstruction efforts and military and intelligence operations in Iraq, Afghanistan, and elsewhere.

#### SEC. 2. REPORT.

Not later than 60 days after the date of the enactment of this Act, the President shall submit to Congress a report setting forth—

(1) a description of the economic, political, and military situation in Iraq, including the number, type, and location of attacks on United States and other Coalition military and civilian personnel in the preceding 60 days;

(2) a discussion of the measures taken to protect United States troops serving in Iraq;

(3) a detailed plan for achieving the goal of establishing civil, economic, and political security in Iraq, including the restoration of basic services such as water and electricity and the construction of schools, roads, and medical clinics;

(4) the monetary costs currently incurred and projected to be incurred by the United States, the United Nations, Iraq, and the international community;

(5) the actions taken and to be taken by the President to secure increased international participation in peacekeeping efforts and in the economic and political reconstruction of Iraq;

(6) a detailed schedule and specific steps for achieving the goal of restoring self-government to the Iraqi people; and

(7) United States and international military and civilian personnel requirements.

By Mr. KERRY:

S. 1595. A bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax with respect to employees who participate in the military reserve components and are called to active duty and with respect to replacement employees and to allow a comparable credit for activated military reservists who are self-employed individuals, and

for other purposes; to the Committee on Finance.

Mr. KERRY. Mr. President, the continuing activation of military reservists to serve in Iraq and the war on terror has imposed a tremendous burden on many of our country's small businesses. Too many small businesses, when their employees are asked to leave their jobs and serve the Nation, are unable to continue operating successfully and face severe financial difficulties, even bankruptcy. At the same time, more than one-third of military reservists and National Guard members suffer a pay cut when they're called to defend our Nation. Large businesses have the resources to provide supplemental income to reservist employees called up for active duty and to replace them with a temporary employee. However, many small businesses are unable to provide this assistance or temporarily replace the employee. I believe the Federal Government must take action to help small businesses weather the loss of an employee to active duty and protect small business employees and their families from suffering a pay cut to serve our Nation. That is why I am introducing legislation that will provide an immediate tax credit to assist both military reservists who are called to active duty and the small businesses who must endure their absence.

The Small Business Military Reservist Tax Credit Act that I am introducing today will provide immediate help to affected small businesses through a Federal income tax credit and a reduced withholding requirement to help pay the difference in salary for a reservist called up to active duty and the cost of temporarily replacing that employee while he or she is serving our Nation. Specifically, the bill will provide a tax credit of up to \$12,000 to any very small business, defined as any business with up to 50 employees, whose employee has been called up for active duty. Up to \$6,000 can be used to assist in paying any difference in salary for the activated reservist and up to an additional \$6,000 can be used to help hire a temporary replacement. For small manufacturers with up to 100 employees, the bill will provide a tax credit of up to \$20,000, up to \$10,000 to hire a temporary replacement. This tax credit is critical to immediately help struggling entrepreneurs keep their small businesses running after the loss of an employee to temporary military service. Too many American small manufacturers are already facing a difficult economy and strong international competition. This legislation provides higher thresholds for small manufacturers because they need greater help and employ more technical workers who are more expensive and difficult to replace. It will also help cushion the financial cost of being a citizen soldier for our reservists. I am pleased that this legislation is supported by the Reserve Officers Association.

Since 1973, the United States has built an all-volunteer military of which reservists are an essential part. Our reservists are much more than weekend warriors. When they are called to active duty, they are a critical ingredient of any long-term or significant deployment of American forces. Everyone knows the contributions our reservists have made in the Army, Navy, Air Force, Marines and Coast Guard. They have been serving our country with distinction and pride for many years and should not be penalized financially for their honorable service. The use of reservists is a significant way to reduce the costs of maintaining a standing army and the cost of carrying a full standing army, in lieu of having a critical reservist component, far outweighs the small, targeted tax credit developed in this legislation.

Reservists have become a vital component of U.S. forces in Iraq and the war on terror. On September 14, 2001, President Bush issued Executive Order 13223 authorizing the activation of up to 1 million military reservists for up to two years of active duty. Since October 2002, there has been a presidentially approved ceiling of 300,000 on the number of reservists that can be on duty at any one time. Some 295,000 reserves have been called up cumulatively since the issuance of the original Executive Order. Today, there are about 181,500 reserves on active duty in the war against terrorism.

Just today, the Army announced that thousands of National Guard and Army Reserve forces will be required to extend their tours of duty. The new order requiring 12-month tours in Iraq and elsewhere means that many National Guard and Army Reserve troops could have their mobilizations extended anywhere from 1 month to 6 months. Extending tours of duty will make it more difficult for reservists, their families and the small businesses where they work to endure the hardships associated with serving our nation. It is imperative that we provide them with immediate assistance.

A recent story in the *Financial Times* demonstrates the heavy price that some small businesses are forced to pay when one of their employees is called up for active duty. Lt. Col. Stephen Brozak, a Marine reservist and small business partner, was called up for active duty in November 2002. In addition to being a partner in the small financial services firm, Westfield Bakerink Brozak, Stephen is the only research analyst in the San Diego-based company. Since Stephen left to serve our country, the company has been unable to continue working on the investment banking issues he covered. This has dramatically affected the company's profitability and bottom line. To compound the problem, this small business is unable to provide Stephen a salary while he is on active duty and cannot afford to hire a replacement. Small businesses, like Ste-

phen's, should not be crippled or incapacitated when their workers are called to serve our Nation. Our reservist soldiers who are called away from their jobs to serve our country should not have to endanger their family's finances to do so.

The United States Chamber of Commerce estimates that 70 percent of military reservists called to active duty work in small- or medium-size companies. Everyone knows that small businesses continue to be a most effective at creating new jobs and spurring economic growth nationwide. Small businesses employ over 50 percent of the nation's work force. Nationwide, small businesses are currently creating 75 percent of new jobs. Furthermore, many these small businesses provide quality goods and services that are a vital link in the supply chain for our national defense. Many these small companies need immediate help to keep their business going while their employees are sacrificing for our country in Iraq and elsewhere.

Many of our reservists left their companies in good shape. They were profitable, providing goods or services, creating jobs, adding to the tax base. Our nation should do everything possible to ensure that upon their return, reservists and their businesses to do suffer unnecessary hardships that ranges from impaired operations financial ruin; from deserted clients to layoffs, and even closure.

Beyond the hardship of leaving their families, their homes and their regular employment, more than one-third of military reservists and National Guard members face a pay cut when they're called for active duty in our armed forces. Many of these reservists have families who depend upon that paycheck to survive and can least afford a substantial reduction in pay. Unlike many big businesses that can afford to provide supplemental income to make up for the salary disparity for military reservists called to active duty, most small businesses cannot afford to provide this benefit. This makes it more difficult for small businesses to attract and keep workers. I think it is imperative that we help families of reservists maintain their standard of living while their loved one serves our nation. We must ensure that our great tradition of citizen soldiers does not fade or stop because of the effect service has on work and family.

Back in 1999, I wrote the Military Reservist Small Business Relief Act, which was enacted into law during the 106th Congress and authorized the Small Business Administration (SBA) to defer existing loan repayments and to reduce the interest rates on direct loans that may be outstanding, including disaster loans, for small businesses that have had a military reservist called up for active duty. It also established a low-interest economic injury loan program administered by the SBA through its disaster loan program. These loans have been available to pro-

vide interim operating capital to any small business when the departure of a military reservist for active duty causes economic injury. According to published reports, more than 10,000 small businesses have applied for these loans since August 2001. However, in today's economy, many small businesses are unable to take on additional debt to continue their operations. These small businesses need immediate tax relief to assist them in hiring a replacement and to pay their reservist worker who is away serving our country.

This bill will help every small business whose owner, manager or employee is called to active duty. Most immediately, this bill will assist those small businesses whose employees are in service in Iraq and elsewhere but the act also applies to future contingency operations, military conflicts, or national emergencies.

I ask all my colleagues to support this important legislation to help both military reservists and the small businesses they are forced to leave when they are called up for active duty.

By Mr. ALLEN (for himself, Mr. WARNER, Mr. EDWARDS, Mrs. DOLE, Mr. HOLLINGS, Mr. GRAHAM of South Carolina, Mr. CHAMBLISS, and Ms. SNOWE):

S. 1597. A bill to provide mortgage payment assistance for employees who are separated from employment; to the Committee on Health, Education, Labor, and Pensions.

Mr. ALLEN. Mr. President, I rise today to introduce the Homestead Preservation Act which would make available low-interest loans to American workers who have been displaced by international trade so they can continue to make home mortgage payments. This legislation would provide needed mortgage payment assistance to these Americans facing difficult times.

While the relaxation of trade barriers and free trade agreements have opened some new markets to American products and services, it has also led to a decline in the U.S. manufacturing and textile industries. These are the jobs that hard working Americans have depended on for generations and plants and facilities that have helped to sustain communities for decades.

Americans are industrious, hard-working and innovative, but it is unfair to ask them to compete for employment with workforces that do not operate under comparable environmental or labor regulations and in countries that do not reciprocate and violate trade rules. I want to make sure that free trade is at the same time fair trade. The opening of the U.S. market offers great benefit to all Americans, but we should mitigate harm to people making a living in manufacturing or textiles. The People's Republic of China through their currency manipulations, dumping of wood bedroom furniture, textile commands and illegal

semiconductor taxation violate rules of fair trade. One can also look to the recent decision by the Department of Commerce finding that South Korean subsidies provided to Hynix Semiconductor, Inc. have caused great damage to U.S. computer chip manufacturers. As our government continues to follow international trade rules, we owe it to our workers to hold foreign governments accountable for their violations of these agreements.

Going forward, I pledge to take a hard look at all proposed free trade agreements to make sure the interests of the United States are not being compromised. It is essential in the negotiation of these new trade pacts not to place traditional U.S. industries at a distinct disadvantage. Free trade agreements have the opportunity to greatly enhance the economies of the U.S. and its partners, but they must offer generally equal benefits to people in both countries.

Unfortunately, recent years have seen the closing of numerous textile and manufacturing plants in the Commonwealth of Virginia and many can be attributed to international competition. These economic disasters are not unique to my Virginia alone. People in communities in our sister States of North Carolina, South Carolina and Georgia have experienced such disasters as well. People from Maine to Ohio to California understand and have endured these large layoffs. With each of these closings, a community is thrown into turmoil with families left wondering how ends can be met until new employment is found.

I understand no government program or assistance can substitute for a secure, well-paying job, but I believe the U.S. government can reasonably assist these families as they transition from one career to another. Presently, there are useful assistance programs that aid American workers seeking new employment, but unfortunately, there is nothing currently in place to protect what is usually a family's most valuable financed asset—their home.

The Homestead Preservation Act has been introduced to meet that need. My legislation would provide families vital temporary financial assistance enabling them to keep their homes and protect their credit ratings as they work toward strengthening and upgrading their skills and search for new employment. Individuals seeking to take advantage of this program would need to be enrolled in a job training or job assistance program. Training and education programs that focus on new technology and emerging industries would aid displaced workers in gaining a skill that will allow them to find a good-paying and secure job in a new field.

At a time when families are dealing with an uncertain future they should feel secure that food will be on the table and a roof will be over their heads. The loans to be provided by the Homestead Preservation Act would not

solve all of the problems facing unemployed workers, but they would provide important assistance for families facing the prospect of losing their home.

In closing, I would like to thank my colleagues Senators WARNER, EDWARDS, DOLE, HOLLINGS, GRAHAM, CHAMBLISS and SNOWE for joining me in introducing this legislation. They know and understand the hardship facing these families and I am grateful that they have signed on to help provide this needed assistance. When offered in the 107th Congress, this Homestead Preservation Act received tremendous bipartisan support. I would respectfully urge my colleagues to consider the value Americans place on owning a home and support this caring and needed initiative.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered printed in the RECORD, as follows:

S. 1597

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Homestead Preservation Act".

#### SEC. 2. MORTGAGE PAYMENT ASSISTANCE.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Labor (referred to in this section as the "Secretary") shall establish a program under which the Secretary shall award low-interest loans to eligible individuals to enable such individuals to continue to make mortgage payments with respect to the primary residences of such individuals.

(b) ELIGIBILITY.—To be eligible to receive a loan under the program established under subsection (a), an individual shall—

(1) be—

(A) an adversely affected worker with respect to whom a certification of eligibility has been issued by the Secretary of Labor under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.); or

(B) an individual who would be an individual described in subparagraph (A) but who resides in a State that has not entered into an agreement under section 239 of such Act (19 U.S.C. 2311);

(2) be a borrower under a loan which requires the individual to make monthly mortgage payments with respect to the primary place of residence of the individual; and

(3) be enrolled in a job training or job assistance program.

(c) LOAN REQUIREMENTS.—

(1) IN GENERAL.—A loan provided to an eligible individual under this section shall—

(A) be for a period of not to exceed 12 months;

(B) be for an amount that does not exceed the sum of—

(i) the amount of the monthly mortgage payment owed by the individual; and

(ii) the number of months for which the loan is provided;

(C) have an applicable rate of interest that equals 4 percent;

(D) require repayment as provided for in subsection (d); and

(E) be subject to such other terms and conditions as the Secretary determines appropriate.

(2) ACCOUNT.—A loan awarded to an individual under this section shall be deposited into an account from which a monthly mort-

gage payment will be made in accordance with the terms and conditions of such loan.

(d) REPAYMENT.—

(1) IN GENERAL.—An individual to which a loan has been awarded under this section shall be required to begin making repayments on the loan on the earlier of—

(A) the date on which the individual has been employed on a full-time basis for 6 consecutive months; or

(B) the date that is 1 year after the date on which the loan has been approved under this section.

(2) REPAYMENT PERIOD AND AMOUNT.—

(A) REPAYMENT PERIOD.—A loan awarded under this section shall be repaid on a monthly basis over the 5-year period beginning on the date determined under paragraph (1).

(B) AMOUNT.—The amount of the monthly payment described in subparagraph (A) shall be determined by dividing the total amount provided under the loan (plus interest) by 60.

(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to prohibit an individual from—

(i) paying off a loan awarded under this section in less than 5 years; or

(ii) from paying a monthly amount under such loan in excess of the monthly amount determined under subparagraph (B) with respect to the loan.

(e) REGULATIONS.—Not later than 6 weeks after the date of enactment of this Act, the Secretary shall promulgate regulations necessary to carry out this section, including regulations that permit an individual to certify that the individual is an eligible individual under subsection (b).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$10,000,000 for each of fiscal years 2004 through 2008.

By Ms. SNOWE:

S. 1598. A bill to require the Comptroller General to carry out a study to determine the feasibility of undertaking passenger rail transportation security programs that are similar to those of foreign countries; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, since the terrorist attacks of September 11th, 2001, we have experienced a steep learning curve as a country and as a Congress in our efforts to improve homeland security.

As we saw during the drafting and consideration of the airline security bill, the United States has not cornered the market on security innovations and measures—there is much that we can learn from other countries that have faced or addressed the same challenges. For this reason, I am introducing legislation that would require the General Accounting Office (GAO) to initiate a study examining passenger rail security measures that have worked for other regions and countries such as the European Union and Japan.

For example, the \$15 billion channel tunnel—or "Chunnel"—linking England to the European continent has been open to train service, for passengers and freight, since 1994 without a major security incident. In 2000 alone, 2.8 million cars, 7.1 million passengers, and 2.9 million tons of freight made the 31 mile journey under the English Channel safely.

Security has always been a major concern for the Chunnel and Britain, France, and Eurotunnel, the company operating the tunnel, have made security a top priority without degrading passenger service. In fact, in addition to its private security staff provided by Eurotunnel, the Chunnel is policed by a bi-national force of police, immigration, and customs officers with armed patrols in the British and French terminals. And both the company and the respective government agencies also conduct routine intelligence-led security checks on both passenger and freight vehicles.

So I suspect that our friends in Europe, and in Asia, and other regions, may be able to provide valuable insight on how we can improve our rail transportation security. It is my intent with this bill to direct GAO to complete, no later than June 2004, a study of rail transport security measures in other countries in an effort to seek innovative screening procedures and processes and other security measures that may be a benefit to the United States. Subsequently, an assessment of these measures would be provided to Congress.

In the hours and days after September 11, Americans discovered we are not alone in this struggle and I urge my colleagues to support this bill that encourages the United States to reach out and learn from others.

By Ms. SNOWE:

S. 1599. A bill to require the Secretary of Homeland Security to conduct a study of the feasibility of implementing a program for the full screening of passengers, baggage, and cargo on Amtrak trains, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce legislation designed to enhance the security of our Nation's passenger rail network.

Before the terrorist attacks of September 11, 2001, boarding an Amtrak train was little harder than riding the subway—and in some ways it was easier, because you could purchase a ticket on board the train. Those days have passed, as Amtrak now requires photo identification and no longer permits ticket purchases on-board the train. But there has not been a similar change in the screening of baggage. The bill I am introducing today would create a new pilot initiative to screen passengers and carry-on baggage on the Amtrak passenger rail system. In addition, my legislation will examine ways to provide this screening, providing a proportional response that will reassure train passengers and step-up security.

As a member of the Senate Commerce Subcommittee on Surface Transportation, I believe that by conducting a limited test of security screening of passengers and carry-on baggage on certain Amtrak routes, we can determine the feasibility of ex-

panding screening to other Amtrak stations. Moreover, by starting with a cross-section of stations throughout the network, we can gain perspective on the expense, the infrastructure, and the personnel who might be needed to bring screening system-wide.

This legislation will direct the Department of Transportation to initiate a demonstration project at five of the ten stations with the heaviest passenger traffic. Amtrak would be required to conduct random passenger and carry-on baggage checks or screening at these stations. Under the legislation, the Secretary of Transportation would be given authority to select additional stations in order to determine how screening works at smaller facilities. The bill envisions examination of a variety of X-ray and explosive detection devices, and metal detectors that would help assure safety on Amtrak.

I urge my colleagues to join me in a strong show of support for this legislation.

By Mr. CAMPBELL (for himself and Mr. INOUE):

S. 1600. A bill to provide for periodic Indian needs assessments, to require Federal Indian program evaluations, and for other purposes; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, today I am pleased to be joined by Senator INOUE to introduce the Indian Needs Assessment and Program Evaluation Act of 2003.

Recently, a significant report has been issued that, once again, calls into question the equity and effectiveness of Federal spending on Indian programs.

This is not a new problem and the U.S. Civil Rights Commission's report entitled "A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country" shows that the volume and methodologies of Federal spending are still both off the mark.

The Commission's report found an ongoing failure to provide funds for the health, education and safety of Indian communities at levels equivalent to other U.S. populations and determined that, despite many studies, "no coordinated, comprehensive Federal effort has been made to audit spending and develop viable solutions."

The Commission's Report recommended each of the six agencies primarily responsible for delivery of Federal services to Indians to: (1) conduct internal monitoring of its spending and budgeting for Indian programs; (2) ensure better coordination with other agencies; and (3) monitor unmet needs. It also urged Congress to appropriate funds to meet the unmet needs of Indian people and urged the Office of Management and Budget (OMB) to create uniform standards for tracking and spending on Indian programs.

The bill I am introducing today will address these ongoing problems and bring a rigorous analysis to the actual needs of Indian people, gauge how Indian programs are funded, and better

tailor these programs so that needs are met and programs are carried out in an effective and efficient way.

The bill: 1. directs the Secretary of the Interior to develop a uniform method, criteria, and procedures for determining, analyzing, and compiling the program and service assistance needs of Indian tribes and Indians nationwide; 2. requires Federal agencies to conduct Indian Needs Assessments aimed at determining the actual needs of tribes and Indians eligible for programs and services administered by such agencies; 3. directs the Secretary to develop a uniform method, criteria, and procedures for compiling, maintaining, keeping current, and reporting to Congress all information concerning: (a) agency annual expenditures for programs and services for which Indians are eligible/ (b) services or programs specifically for the benefit of Indians; and (c) agency methods of delivery of services and funding; 4. requires Federal agencies responsible for providing services or programs to or for the benefit of tribes of Indians to: (a) file Annual Indian Program Evaluations with specified congressional committees; and (b) publish annual listings in the Federal Register of all agency programs and services for which Indian tribes may be eligible; 5. directs the Secretary to: (a) report to specified congressional committees on the coordination of Federal program and service assistance for which tribes are eligible; and (b) file a Strategic Plan for the Coordination of Federal Assistance for Indians.

I urge my colleagues to join me in supporting this important measure.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1600

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Needs Assessment and Program Evaluation Act of 2003".

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the United States and the Indian tribes have a unique legal and political government-to-government relationship;

(2) under the Constitution, treaties, statutes, Executive orders, court decisions, and course of conduct of the United States, the United States has a trust obligation to provide certain services to Indian tribes and members of Indian tribes;

(3) Federal agencies charged with administering programs and providing services to or for the benefit of Indian tribes and members of Indian tribes have not provided Congress adequate information necessary to assess the adequacy of the programs and services meeting the needs of Indian tribes and members of Indian tribes, hampering the ability of Congress to determine the nature, type, and magnitude of those needs or the ability of the United States to respond to those needs; and

(4) Congress cannot properly fulfill its obligation to Indian tribes and Indian people unless it has an adequate store of information concerning the needs of Indian tribes and members of Indian tribes nationwide.

(b) **PURPOSES.**—The purposes of this Act are—

(1) to ensure that Indian needs for Federal programs and services are known in a more certain and predictable fashion;

(2) to require that Federal agencies carefully review and monitor the effectiveness of programs and services provided to Indian tribes and members of Indian tribes;

(3) to provide for more efficient and effective cooperation and coordination of, and accountability from, the agencies providing programs and services, including technical and business development assistance, to Indian tribes and members of Indian tribes; and

(4) to provide to Congress reliable information regarding both Indian needs and the evaluation of Federal programs and services provided to Indian tribes and members of Indian tribes nationwide.

### SEC. 3. DEFINITIONS.

In this Act:

(1) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(2) **NEEDS ASSESSMENT.**—The term “needs assessment” means an assessment of the program and service needs of Indian tribes and members of Indian tribes, that includes, at a minimum, consideration of—

(A) the population of each Indian tribe (including the population of tribal members located in the service area of an Indian tribe, where applicable);

(B) the size of the service area;

(C) the location of the service area;

(D) the availability of similar programs within the geographical area to Indian tribes or tribal members; and

(E) socioeconomic conditions that exist within the service area.

(3) **PROGRAM EVALUATION.**—The term “program evaluation” means an evaluation report developed in accordance with section 4(b).

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

### SEC. 4. NEEDS ASSESSMENTS AND PROGRAM EVALUATIONS.

(a) **NEEDS ASSESSMENTS.**—

(1) **DEVELOPMENT OF METHOD, CRITERIA, AND PROCEDURES.**—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation and coordination with tribal governments and with the Secretary of Agriculture, Secretary of Commerce, Secretary of Defense, Secretary of Energy, Secretary of Labor, Attorney General, Secretary of the Treasury, Secretary of Transportation, Secretary of Veterans Affairs, Administrator of the Environmental Protection Agency, Secretary of Housing and Urban Development, Secretary of Health and Human Services, and heads of other agencies responsible for providing programs or services to or for the benefit of Indian tribes or members of Indian tribes, shall develop a uniform method, criteria, and procedures for determining, analyzing, and compiling a needs assessment.

(2) **NEEDS ASSESSMENTS.**—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, each Federal agency, in coordination with the Secretary, shall—

(A) conduct a needs assessment to determine the needs of Indian tribes and members of Indian tribes eligible for programs and services administered by the agency; and

(B) submit to the Committee on Appropriations and Committee on Indian Affairs of the

Senate and the Committee on Appropriations and the Committee on Resources of the House of Representatives a report that describes the results of the needs assessment.

(b) **PROGRAM EVALUATIONS.**—

(1) **DEVELOPMENT OF METHOD, CRITERIA, AND PROCURES.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop a uniform method, criteria, and procedures for compiling, maintaining, updating, and reporting to Congress a program evaluation containing all information concerning—

(A) the annual expenditure by a Federal agency for programs and services for which Indian tribes and members of Indian tribes are eligible, with specific information including—

(i) the names of Indian tribes that are participating in or receiving each service;

(ii) the names of Indian tribes that have applied for and not received programs or services; and

(iii) the names of Indian tribes for which programs or services were terminated within the preceding fiscal year;

(B) programs or services specifically for the benefit of Indian tribes and members of Indian tribes, with specific information including—

(i) the names of Indian tribes that are currently participating in or receiving each program or service;

(ii) the names of Indian tribes that have applied for and not received programs or services; and

(iii) the names of Indian tribes for which programs or services were terminated within the preceding fiscal year; and

(C) the methods of delivery of the programs and services, including a detailed explanation of the outreach efforts of each agency to Indian tribes.

(2) **PROGRAM EVALUATIONS.**—Not later than 1 year after the date of enactment of this Act, and annually thereafter, each Federal agency responsible for providing programs or services for the benefit of Indian tribes or members of Indian tribes shall submit to the Committee on Appropriations and the Committee on Indian Affairs of the Senate and the Committee on Appropriations and the Committee on Resources of the House of Representatives a report that describes the results of the program evaluation.

(c) **ANNUAL LISTING OF TRIBAL ELIGIBLE PROGRAMS.**—On or before February 1 of each year, each Federal agency described in subsection (b)(2) shall publish in the Federal Register—

(1) a list of all programs and services offered by the agency for which Indian tribes or members of Indian tribes are or may be eligible; and

(2) a brief explanation of the program or service.

### SEC. 5. REPORT ON COORDINATION OF PROGRAMS AND SERVICES.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Appropriations and the Committee on Indian Affairs of the Senate and the Committee on Appropriations and the Committee on Resources of the House of Representatives a report detailing the coordination of Federal programs and service assistance for which Indian tribes and members of Indian tribes are eligible.

(b) **STRATEGIC PLAN.**—

(1) **IN GENERAL.**—Not later than 18 months after the date of enactment of this Act, after consultation and coordination with the Indian tribes, the Secretary shall submit to the Committee on Appropriations and the Committee on Indian Affairs of the Senate and the Committee on Appropriations and the Committee on Resources of the House of

Representatives a strategic plan for the coordination of Federal assistance for Indian tribes and members of Indian tribes.

(2) **CONTENTS OF STRATEGIC PLAN.**—The strategic plan under paragraph (1) shall contain—

(A) an identification of reforms necessary to the laws (including regulations), policies, procedures, practices, and systems of the agencies responsible for providing programs or services for the benefit of Indian tribes or members of Indian tribes;

(B) proposals for remedying the reforms identified in the plan; and

(C) other recommendations consistent with the purposes of this Act.

### SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each fiscal year such sums as are necessary to carry out this Act.

By Mr. CAMPBELL (for himself and Mr. INOUE):

S. 1601. A bill to amend the Indian Child Protection and Family Violence Prevention Act to provide for the reporting and reduction of child abuse and family violence incidences on Indian reservations, and for other purposes; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, today I am pleased to be joined by Senator INOUE to introduce the “Indian Child Protection and Family Violence Prevention Reauthorization Act of 2003” to combat child abuse in Native American communities.

First enacted in 1990, the Indian Child Protection and Family Violence Prevention Act was aimed at prosecutions of Federal and tribal employees for child abuse and issues arising from child abuse and family violence.

The act established extensive reporting requirements and character investigations for Federal and tribal employees who have regular contact with Indian children, and provided funding for prevention and treatment programs.

Like so many social pathologies, American Indians are victimized by violence more than any other ethnic group.

Research also shows that Indian victims of violence by family members or intimate partners are more likely than any other ethnic group to be injured and need hospital care.

The act is expiring and needs to be reauthorized, but it also needs to include tougher criteria for background checks and a structured method for tribal assumption of child abuse prevention, prosecution and treatment programs.

The bill is designed to improve the ability of the tribes to combat child abuse in their communities, build tribal capacity, and identify the impediments to more effective prevention, investigation and prosecution of child abuse.

The bill also authorizes funding for building comprehensive tribal programs, and training and technical assistance—the cornerstones in developing the necessary expertise in the field. The bill will also facilitate establishment of safety measures for child

protection workers to reduce unnecessary stress and improve program effectiveness.

In its 2002 report entitled "Violence Against Women: Data on Pregnant Victims and Effectiveness of Prevention Strategies are Limited", the General Accounting Office cited the Centers for Disease Control and other researchers who found that there was a need for prevention strategies that incorporate cultural perspectives in serving ethnic populations. This bill will promote cultural perspectives by giving special considerations to tribal programs which incorporate traditional healing methods.

Abuse by the Federal and tribal employees was the main reason for enacting the 1990 Act, however, employees are not the only ones that come in contact with Indian children. The bill I am introducing today will expand the scope of positions subject to character investigations and include contractors who have regular contact with Indian children.

This bill clarifies the requirement that all positions within the Departments of Interior and HHS—not simply the Bureau of Indian Affairs and Indian Health Service—that have regular contact with children must undergo character investigations.

I ask Unanimous Consent that the text of the bill be printed in the RECORD and urge my colleagues to join me in supporting this important measure.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1601

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Child Protection and Family Violence Prevention Reauthorization Act of 2003".

#### SEC. 2. FINDINGS AND PURPOSE.

Section 402 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3201) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

"(1) finds that—

"(A) Indian children are the most precious resource of Indian tribes and need special protection by the United States;

"(B) the number of reported incidences of child abuse on Indian reservations continues to rise at an alarming rate, but the reduction of such incidences is hindered by the lack of—

"(i) community awareness in identification and reporting methods;

"(ii) interagency coordination for reporting, investigating, and prosecuting; and

"(iii) tribal infrastructure for managing, preventing, and treating child abuse cases;

"(C) improvements are needed to combat the continuing child abuse on Indian reservations, including—

"(i) education to identify symptoms consistent with child abuse;

"(ii) extensive background investigations of Federal and tribal employees, volunteers, and contractors who care for, teach, or otherwise have regular contact with Indian children;

"(iii) strategies to ensure the safety of child protection workers; and

"(iv) support systems for the victims of child abuse and their families; and

"(D) funds spent by the United States on Indian reservations for the benefit of Indian victims of child abuse or family violence are inadequate to combat child abuse and to meet the growing needs for mental health treatment and counseling for those victims and their families.";

(B) in paragraph (2)—

(i) by striking "two" and inserting "the";

(ii) in subparagraph (B)—

(1) by inserting after "provide funds for" the following: "developing a comprehensive tribal child abuse and family violence program including training and technical assistance for identifying, addressing, and decreasing such incidents and for"; and

(II) by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

"(C) implement strategies to increase the safety of child protection workers;

"(D) assist tribes in developing the necessary infrastructure to combat and reduce child abuse on Indian reservations; and

"(E) identify and remove impediments to the prevention and reduction of child abuse on Indian reservations, including elimination of existing barriers, such as difficulties in sharing information among agencies and differences between the values and treatment protocols of the different agencies.";

and

(2) in subsection (b)—

(A) in paragraph (1), by striking "prevent further abuse" and inserting "prevent and prosecute child abuse";

(B) in paragraph (2), by striking "authorize a study to determine the need for a central registry for reported incidents of abuse" and inserting "build tribal infrastructure needed to maintain and coordinate databases";

(C) by striking paragraph (3);

(D) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (3), (4), (5), and (6), respectively;

(E) in paragraph (3) (as redesignated by subparagraph (D)), by striking "sexual";

(F) in paragraph (5) (as redesignated by subparagraph (D)), by striking "Area" and inserting "Regional";

(G) in paragraph (6) (as redesignated by subparagraph (D))—

(i) by inserting "child abuse and" after "incidents of"; and

(ii) by inserting "through tribally-operated programs" after "family violence";

(H) by inserting after paragraph (6) (as redesignated by subparagraph (D)) the following:

"(7) conduct a study to identify the impediments to effective prevention, investigation, prosecution, and treatment of child abuse"; and

(I) by striking paragraph (8) and inserting the following:

"(8) develop strategies to protect the safety of the child protection workers while performing responsibilities under this title; and"

(8) develop strategies to protect the safety of the child protection workers while performing responsibilities under this title; and"

(9) conduct a study to identify the impediments to effective prevention, investigation, prosecution, and treatment of child abuse"; and

(10) develop strategies to protect the safety of the child protection workers while performing responsibilities under this title; and"

(11) develop strategies to protect the safety of the child protection workers while performing responsibilities under this title; and"

#### SEC. 3. DEFINITIONS.

Section 403(3) of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3202(3)) is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B), by adding "and" at the end; and

(3) by adding at the end the following:

"(C) any case in which a child is subjected to family violence;"

#### SEC. 4. REPORTING PROCEDURES.

Section 404(b) of the Indian Child Protection and Family Violence Prevention Act (25

U.S.C. 3203(b)) is amended by adding at the end the following:

"(3) COOPERATIVE REPORTING.—If—

"(A) a report of abuse or family violence involves an alleged abuser who is a non-Indian; and

"(B) a preliminary inquiry indicates a criminal violation has occurred; the local law enforcement agency (if other than the State law enforcement agency) shall immediately report the occurrence to the State law enforcement agency.".

#### SEC. 5. CENTRAL REGISTRY.

The Indian Child Protection and Family Violence Prevention Act is amended by striking section 405 (25 U.S.C. 3204) and inserting the following:

##### "SEC. 405. BARRIERS TO IMPLEMENTATION.

"(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Health and Human Services and the Attorney General, shall conduct a study to identify impediments to the reduction of child abuse on Indian reservations.

"(b) MATTERS TO BE EVALUATED.—In conducting the study under subsection (a), the Secretary shall, at a minimum, evaluate the interagency and intergovernmental cooperation and jurisdictional impediments in investigations and prosecutions.

"(c) REPORT.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall submit to Congress a report that describes the results of the study under subsection (a).

"(2) CONTENTS.—The report under paragraph (1) shall include—

"(A) any findings made in the study;

"(B) recommendations on ways to eliminate impediments described in subsection (a); and

"(C) cost estimates for implementing the recommendations.".

#### SEC. 6. CHARACTER INVESTIGATIONS.

Section 408 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3207) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting "(including contracted and volunteer positions)," after "authorized positions"; and

(B) in paragraph (3), by striking the period at the end and inserting the following: "which—

"(A) shall include a background check, based on a set of fingerprints of the employee, volunteer or contractor that may be conducted through the Federal Bureau of Investigation; and

"(B) may include a review of applicable State criminal history repositories.";

(2) in subsection (c)—

(A) in paragraph (1), by inserting after "who is" the following: "a volunteer or contractor or is"; and

(B) in paragraph (2), by striking "employ" and inserting "contract with, accept, or employ".

#### SEC. 7. INDIAN CHILD ABUSE TREATMENT GRANT PROGRAM.

Section 409 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3208) is amended—

(1) in subsection (a), by striking "sexual";

(2) by redesignating subsection (e) as subsection (f);

(3) by inserting after subsection (d) the following:

"(e) DEMONSTRATION PROJECT.—

"(1) IN GENERAL.—The Secretary of Health and Human Services shall establish demonstration projects to facilitate the development of a culturally-sensitive traditional healing treatment program for child abuse and family violence to be operated by an Indian tribe, tribal organization, or inter-tribal consortium.



“(2) APPLICATION.—

“(A) IN GENERAL.—An Indian tribe, tribal organization, or inter-tribal consortium may submit an application to participate in a demonstration project in such form as the Secretary of Health and Human Services may prescribe.

“(B) CONTENTS.—As part of an application under subparagraph (A), the Secretary of Health and Human Services shall require—

“(i) the information described in subsection (b)(2)(C);

“(ii) a proposal for development of educational materials and resources, to the extent culturally appropriate; and

“(iii) proposed strategies to use and maintain the integrity of traditional healing methods.

“(3) CONSIDERATIONS.—In selecting the participants in demonstration projects established under this subsection, the Secretary of Health and Human Services shall give special consideration to projects relating to behavioral and emotional effects of child abuse, elimination of abuse by parents, and reunification of the family.”; and

(4) in subsection (f) (as redesignated by paragraph (2))—

(A) by striking “there” and inserting “There”; and

(B) by striking “\$10,000,000 for each of the years 1992, 1993, 1994, 1995, 1996 and 1997” and inserting “such sums as are necessary to carry out this section for each of fiscal years 2005 through 2010, of which a specific sum shall be specifically set aside each year for the demonstration projects established under subsection (e).”.

#### SEC. 8. INDIAN CHILD RESOURCE AND FAMILY SERVICES CENTERS.

Section 410 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3209) is amended—

(1) in subsection (a) by striking “area” and inserting “Regional”; and

(2) in subsection (b)—

(A) by striking “Secretary and” and inserting “Secretary.”; and

(B) by striking “Services” and inserting “Services, and the Attorney General”; and

(3) in subsection (d)(5), by striking “area” and inserting “Region”; and

(4) in subsection (f)—

(A) in the second sentence, by striking “an area” and inserting “a Regional”; and

(B) in the last sentence, by inserting “developing strategies,” after “Center in”; and

(5) in the second sentence of subsection (g)—

(A) by striking “an area” and inserting “a Regional”; and

(B) by striking “Juneau Area” and inserting “Alaska Region”; and

(6) in subsection (h), by striking “\$3,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, 1996 and 1997” and inserting “such sums as are necessary to carry out this section for each of fiscal years 2005 through 2010”.

#### SEC. 9. INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION PROGRAM.

Section 411 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3210) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by inserting “coordination, reporting and” before “investigation”; and

(B) in paragraph (2) by inserting “child abuse and” after “incidents of”; and

(2) in subsection (d)—

(A) in paragraph (1)(C), by inserting “and other related items” after “equipment”; and

(B) in paragraph (3)—

(i) in subparagraph (B), by striking “, and” at the end and inserting a semicolon;

(ii) in subparagraph (C), by inserting after “responsibilities” the following: “and speci-

fy appropriate measures for ensuring child protection worker safety while performing responsibilities under this title”; and

(iii) by adding at the end the following:

“(D) provide for training programs or expenses for child protection services personnel, law enforcement personnel or judicial personnel to meet any certification requirements necessary to fulfill the responsibilities under any intergovernmental or interagency agreement; and

“(E) develop and implement strategies designed to ensure the safety of child protection workers while performing responsibilities under this Act.”;

(3) in paragraph (6), by striking “and” at the end;

(4) by redesignating paragraph (7) as paragraph (8);

(5) by inserting after paragraph (6) the following:

“(7) infrastructure enhancements to improve tribal data systems to monitor the progress of families, evaluate service and treatment outcomes, and determine the most effective approaches and activities; and”

(6) by redesignating subsections (f), (g), (h), and (i) as paragraphs (e), (f), (g), and (h), respectively;

(7) in paragraph (1) of subsection (g) (as redesignated by paragraph (6)), by striking subparagraph (A) and inserting the following:

“(A) evaluate the program for which the award is made, including examination of—

“(i) the range and scope of training opportunities, including numbers and percentage of child protection workers engaged in the training programs; and

“(ii) the threats to child protection workers, if any, and the strategies used to address the safety of child protection workers; and

“(iii) the community outreach and awareness programs including any strategies to increase the ability of the community to contact appropriate reporting officials regarding occurrences of child abuse.”; and

(8) in subsection (h) (as redesignated by paragraph (6)), by striking “\$30,000,000 for each of fiscal years 1992, 1993, 1994, 1995, 1996 and 1997” and inserting “such sums as are necessary to carry out this section for each of fiscal years 2005 through 2010.”.

By Mr. LEAHY (for himself, Mr. DURBIN, Mr. SCHUMER, Mr. DODD, Mr. LIEBERMAN, Mrs. CLINTON, Mr. CORZINE, and Mr. LAUTENBERG):

S. 1602. A bill to amend the September 11th Victim Compensation Fund of 2001 to extend the deadline for filing a claim to December 31, 2004; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to introduce the “September 11 Victim Compensation Fund Extension Act of 2003” to extend the pending deadline of the September 11 Victim Compensation Fund to December 31, 2004. I thank Senators DURBIN, SCHUMER, DODD, LIEBERMAN, CLINTON, CORZINE, and LAUTENBERG for joining me as original cosponsors of this legislation.

Along with Senator DASCHLE, Representative GEPHARDT and others, I worked hard to create the Victims Fund over the objections of some in the administration and Congress. We insisted that it be included in the legislation to bail out the airlines passed in

the wake of the most devastating terrorist attacks on American soil. The current deadline for applying for compensation from the Victims Fund is rapidly approaching, but it has become apparent that many families need more time. Thus far, just under a third of eligible families have applied to the Fund for compensation—only about 1,282 death claims and 1,050 injury claims have been filed so far by victim families, according to the Department of Justice.

Ken Feinberg, the Special Master for the Fund, is doing his best to get victims families to understand their rights. Recently, he has even taken out extensive advertisements in a number of newspapers and created a series of informational meetings and claim assistance sites to assist victims’ families to file for compensation with the Victims Fund instead of filing a lawsuit against the airlines industry. I commend him for his efforts.

It appears that only a few relatives of victims of September 11 are opting out of eligibility for the fund by filing a lawsuit against the airlines industry. While some families are likely weighing that decision, the number of disqualifying lawsuits is low—69 as of last month—and only three of those were in the last three months, according to The New York Times.

Instead, victims support groups have told me that they receive calls daily from individuals who understand that the deadline is approaching but cannot face the emotional pain of preparing a claim. Mr. Feinberg has also commented that many victims are still too paralyzed by their grief to confront the logistical burden and emotional pain of filing a death claim.

In light of this painful reality, I believe it is appropriate to extend the deadline for filing applications to the Victims Fund to December 31, 2004—an extension of just over a year. This extension would give grieving families additional time to mourn those who were lost and to overcome the emotional challenges of filing paperwork with the Victims Fund. In recent days, I have been in contact with several September 11 victims support groups, all of which agreed that such an extension would provide some relief during these dark days for victims’ families as they endure the grieving process.

As the anniversary of the tragedy of September 11 approaches, victims’ families have many burdens. They do not need this arbitrary deadline confronting them between September 11 and the year-end holidays. This is something we can do now for victims of September 11. I urge my colleagues to support the “September 11 Victim Compensation Fund Extension Act of 2003.”



## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 219—TO ENCOURAGE THE PEOPLE'S REPUBLIC OF CHINA TO ESTABLISH A MARKET-BASED VALUATION OF THE YUAN AND TO FULFILL ITS COMMITMENTS UNDER INTERNATIONAL TRADE AGREEMENTS

Mr. GRAHAM of South Carolina (for himself, Mr. SCHUMER, Mr. VOINOVICH, Mr. CHAMBLISS, Mr. LIEBERMAN, Mr. ALLEN, Mr. SPECTER, Mr. ENZI, and Mr. KYL) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 219

Whereas the currency of the People's Republic of China, the yuan or renminbi, has been tightly pegged to the United States dollar at the same fixed level since 1994;

Whereas the undervaluation of China's currency makes exports from China less expensive for foreigners and makes foreign products more expensive for Chinese consumers, an effective subsidization of China's exports and a virtual tariff on foreign imports;

Whereas the Government of the People's Republic of China has significantly intervened in its foreign exchange markets in order to hold the value of the yuan within its tight and artificial trading band, resulting in enormous growth in China's dollar reserves, estimated to be over \$345,000,000,000 as of June 2003;

Whereas the practice of "currency manipulation" to gain a trade or competitive advantage is a violation of the spirit and letter of the World Trade Organization and International Monetary Fund agreements, of which the People's Republic of China is now party;

Whereas the undervaluation of China's currency has had and continues to have a negative impact on the United States manufacturing sector, contributing to significant job losses and business closures;

Whereas the undervaluation of China's currency also has had and continues to have a negative impact on the economies of its neighbor nations, the European Community, Mexico, and Latin America;

Whereas the free fluctuation of currencies is a key component to the health of global trade, and the stability of the world economy; and

Whereas China's central bank governor has stated that the value of the yuan will eventually be determined by market forces rather than pegged firmly to the dollar: Now, therefore, be it

*Resolved*, That the Senate of the United States—

(1) supports the Secretary of the Treasury's work with regard to the Secretary's discussions with the Government of the People's Republic of China leading to a market-based valuation of the yuan; and

(2) encourages the People's Republic of China to continue to act on its commitments to the trade rules and principles of the international community of which it is now a member.

## SENATE RESOLUTION 220—DESIGNATING THE NINTH DAY OF SEPTEMBER OF EACH YEAR AS "NATIONAL FETAL ALCOHOL SYNDROME AWARENESS DAY"

Ms. MURKOWSKI submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 220

Whereas fetal alcohol syndrome is the leading cause of mental retardation in western civilization, including the United States, and is 100 percent preventable;

Whereas fetal alcohol spectrum disorders are a major cause of numerous social disorders including learning disabilities, school failure, juvenile delinquency, homelessness, unemployment, mental illness, and crime;

Whereas economists estimate that each individual with fetal alcohol spectrum disorders will cost United States taxpayers between \$1,500,000 and \$3,000,000 in his or her lifetime;

Whereas in February 1999, a small group of parents of children who suffer from fetal alcohol syndrome/effect (FAS/E) came together with the hope that in 1 magic moment the world could be made aware of the devastating consequences of alcohol consumption during pregnancy;

Whereas the first International Fetal Alcohol Syndrome Awareness Day was observed on September 9, 1999;

Whereas Bonnie Buxton of Toronto, Canada, the co-founder of the first International Fetal Alcohol Syndrome Awareness Day, stated the purpose of the observance as: "What if . . . a world full of FAS/E parents all got together on the ninth hour of the ninth day of the ninth month of the year and asked the world to remember that during the 9 months of pregnancy a woman should not consume alcohol . . . would the rest of the world listen?"; and

Whereas on the ninth day of the ninth month of each year since 1999, communities around the world have observed International Fetal Alcohol Syndrome Awareness Day: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the ninth day of September of each year as "National Fetal Alcohol Syndrome Awareness Day"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to—

(A) observe "National Fetal Alcohol Syndrome Awareness Day" with appropriate ceremonies to—

(i) promote awareness of the effects of prenatal exposure to alcohol;

(ii) increase compassion for individuals affected by prenatal exposure to alcohol;

(iii) minimize further effects; and

(iv) ensure healthier communities across the United States; and

(B) observe a moment of reflection on the ninth hour of the ninth day of September to remember that during the 9 months of pregnancy a woman should not consume alcohol.

Ms. MURKOWSKI. Mr. President, at nine minutes after the hour of nine in communities across Alaska and around the world, people are pausing today to observe International Fetal Alcohol Syndrome (FAS) Awareness Day. International FAS Awareness Day was first observed on September 9, 1999. It began with a small group of parents of children afflicted with FAS and Fetal Alcohol Effect (FAE) who came together on the Internet to ask this compelling question, "What if a world full of FAS and FAE parents all got together on the ninth hour of the ninth day of the ninth month of the year and asked the world to remember that during the nine months of pregnancy a woman should not consume alcohol?"

These pioneering activists, most of whom were adoptive and foster parents, led by Brian Philcox and Bonnie

Buxton of Toronto, Canada, did not have the resources of large public relations firms or well connected lobbyists. They organized the first International FAS Awareness Day on a shoestring using the Internet. Rapidly their group grew to include more than 70 volunteer coordinators in eight countries. Through this grassroots awareness effort, many women of childbearing age learned for the first time that no amount of alcohol in pregnancy is good.

Each year their simple message travels further. On this fifth International FAS Awareness Day, we know that the message is getting across. Numerous observances are planned in my home State of Alaska. In Nome, a birthday cake celebration will honor all babies who will be born in the region in the coming year. In Kenai the American Legion will sponsor a breakfast and the ringing of bells at 9:09 AM. The Mayors of Anchorage, Haines and Wasilla, to name a few, have issued local proclamations.

The Commissioner of our Alaska Department of Health and Social Services, Joel Gilbertson, and the staff of his Division of Behavioral Health, are to be commended for their diligent efforts in bringing International FAS Awareness Day to Alaska. An excellent resource manual to help communities plan their observances, is accessible through the Internet page of the State of Alaska, Department of Health and Social Services. I would also like to thank the Substance Abuse and Mental Health Services Administration of the US Department of Health and Human Services, which is publicizing International FAS Awareness Day on their website.

Yet, in spite of all of the hard work of dedicated volunteers over the last several years to publicize International FAS Awareness Day, I was surprised to learn that legislation has not been introduced in the Congress to ask that the President designate September 9 of each year as National FAS Awareness Day across the United States. The resolution that I am introducing today would do just that.

The resolution, like the day itself, is intended to focus attention on the high cost of Fetal Alcohol Spectrum Disorders to our Nation and the ease of prevention. At the same time it asks that the American people treat those afflicted with these disorders with compassion and support. FAS is the largest cause of mental retardation in Alaska, the United States and all of western civilization and it is one hundred percent preventable. The simple fact is that no amount of alcohol during pregnancy has been established as safe for the fetus. If women do not drink alcohol—any alcohol—during the nine months of pregnancy; alcohol-related birth defects will be eliminated.

It is high time that we recognize the efforts of the dedicated volunteers who conceived and developed International FAS Awareness Day with a national

observance in the United States. On the first International FAS Awareness Day in 1999, Bonnie Buxton put forth this question to those who care for FAS and FAE children, "What if we made a noise? Would the rest of the world listen?" To Bonnie and all of the others who have made International FAS Awareness Day a reality, I want to say that the United States Senate is listening and proudly joins in your efforts to spread the word. Thanks to your good works, the world is listening.

**SENATE RESOLUTION 221—RECOGNIZING NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND THE IMPORTANCE AND ACCOMPLISHMENTS OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES**

Mr. SARBANES (for himself, Mr. MIKULSKI, Mr. EDWARDS, Mr. KERRY, Mr. PRYOR, and Mr. LEVIN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor and Pensions:

**S. RES. 221**

Whereas there are 105 historically Black colleges and universities in the United States;

Whereas historically Black colleges and universities are credited with making higher education financially attainable for individuals who otherwise may not have been able to afford postsecondary education;

Whereas historically Black colleges and universities have significant success rates;

Whereas historically Black colleges and universities provide a supportive social, cultural, and racial environment for people of color who are seeking a college education;

Whereas in the United States historically Black colleges and universities have educated 75 percent of all Blacks having Ph.D.s, 46 percent of all Black business executives, 50 percent of all Black engineers, and 80 percent of all Black Federal judges;

Whereas in the United States historically Black health professional schools have trained an estimated 40 percent of all Black dentists, 50 percent of all Black pharmacists, and 75 percent of all Black veterinarians;

Whereas in the United States historically Black colleges and universities have educated an estimated 50 percent of all Black attorneys and 75 percent of all Black military officers; and

Whereas historically Black colleges and universities have produced Members of the United States Congress, State legislators, writers, musicians, actors, engineers, journalists, teachers, scholars, judges, pilots, activists, business leaders, lawyers, and doctors: Now, therefore, be it

*Resolved*, That the Senate—

(1) fully supports the goals and ideals of National Historically Black Colleges and Universities;

(2) salutes and acknowledges historically Black colleges and universities and their presidents, faculties, staff, and trustees for their vigorous and persistent efforts in support of equal opportunity in higher education;

(3) commends the students who benefit from historically Black colleges and universities for their pursuit of academic excellence; and

(4) requests that the President issue a proclamation calling on the people of the

United States and interested groups to conduct appropriate ceremonies, activities, and programs to demonstrate support for historically Black colleges and universities in the United States.

Mr. SARBANES. Mr. President, I am proud today to join my colleague from Maryland and others in the Senate in submitting a Senate Resolution recognizing the accomplishments and importance of our Nation's Historically Black Colleges and Universities. This resolution is a companion to a resolution my colleague from Maryland in the House of Representatives and Chair of the Congressional Black Caucus—Elijah Cummings—introduced earlier this year.

There was a time in our history when African Americans had few choices to further their education other than Historically Black Colleges and Universities. Legal and historical segregation closed the doors of many colleges and universities, leaving them few options. Fortunately, Historically Black Colleges and Universities filled the void magnificently. They may be small in number compared to other universities, but their impact is impressive. In the 1950s, Historically Black Colleges and Universities produced more than ninety percent of Black professionals. It is difficult to imagine where this country would be without the service and dedication of the professors, administrators and supporters of our Nation's Historically Black Colleges and Universities.

For example, Thurgood Marshall, denied admission at a segregated University of Maryland School of Law, went on to obtain his law degree at Howard University. He later was appointed to the United States Supreme Court and was on the bench when the Court decided *Brown v. Board of Education*, the landmark decision that once and for all held that separate learning facilities for school children are unconstitutional. The University of Maryland—now a very different, a more just and diverse place, much like the United States—acknowledged the historical error of its ways and welcomes all students. In fact, it has named its law library after Justice Marshall. We may have missed the benefits of Justice Marshall's brilliant contributions to the legal profession had Howard University not been there to accept, nurture and superbly educate African American legal scholars of his era. It is impossible to calculate how many doctors, Members of Congress, attorneys and engineers might not have completed their educations if these institutions had not been there to serve them.

Historically Black Colleges and Universities continue to demonstrate their value as thousands of students who have the opportunity to attend any school choose to enroll in these unique institutions. Maryland is fortunate to have four of these institutions: Bowie State University, Coppin State University, Morgan State University, and the University of Maryland, Eastern Shore. According to the National Association

for Equal Opportunity in Higher Education (NAFEO), 103 Historically Black Colleges and Universities enroll more than 370,000 students and graduate approximately one-third of all Black students each year. NAFEO notes that students who attend Historically Black Colleges and Universities graduate with greater frequency than African American students at predominantly white institutions and receive greater academic and social support.

As many universities face the challenges of State budget constraints, disappearing corporate donations, and reduced endowments, Historically Black Colleges and Universities are hit especially hard. Many of them make it their goal to educate low-income students, making their student bodies even more reliant on financial aid. As our Historically Black Colleges and Universities face struggles, the Federal Government, State governments, alumni and friends must make sure they continue to thrive. We must guarantee that future generations will continue to benefit from the academic and cultural richness Historically Black Colleges and Universities provide. Let this resolution symbolize Congress' commitment to continuing the mission of Historically Black Colleges and Universities and ensuring their future success.

**SENATE CONCURRENT RESOLUTION 66—COMMENDING THE NATIONAL ENDOWMENT FOR DEMOCRACY FOR ITS CONTRIBUTIONS TO DEMOCRATIC DEVELOPMENT AROUND THE WORLD ON THE OCCASION OF THE 20TH ANNIVERSARY OF THE ESTABLISHMENT OF THE NATIONAL ENDOWMENT FOR DEMOCRACY**

Mr. LUGAR (for himself, Mr. BIDEN, Mr. FRIST, Mr. DASCHLE, Mr. MCCONNELL, Mr. LEVIN, Mr. KYL, Mr. BAYH, Mr. HATCH, Mr. GRAHAM of Florida, Mr. LEAHY, Mr. SARBANES, and Mr. HAGEL) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

**S. CON. RES. 66**

Whereas November 22, 2003, marks the 20th anniversary of the establishment of the National Endowment for Democracy (hereinafter the "Endowment"), a bipartisan non-governmental institution that promotes democracy around the world;

Whereas through the National Endowment for Democracy Act (22 U.S.C. 4411 et seq.), signed into law by President Ronald Reagan on November 22, 1983, Congress has made possible the funding of the Endowment's worldwide grant programs;

Whereas 2003 also marks the 20th anniversary of the National Republican Institute for International Affairs (which was subsequently renamed the International Republican Institute (IRI)), the National Democratic Institute for International Affairs (NDI), and the Center for International Private Enterprise (CIPE), all of which joined the Free Trade Union Institute (which was subsequently renamed as the American Center for International Labor Solidarity) to form the four affiliated institutions of the Endowment;

Whereas the Endowment and the affiliated institutes have supported grassroots programs to build democratic institutions, spread democratic values, encourage free market institutions, and promote political parties, worker rights, independent media, human rights, the rule of law, civic education, conflict resolution, political participation by women, and many other essential components of civil society and democratic governance in emerging and transitional democracies, nondemocracies, and war-torn societies;

Whereas the programs carried out or funded by the Endowment have made significant contributions to the efforts of democratic activists to achieve freedom and self-governance around the world;

Whereas the Endowment, through the Journal of Democracy, the International Forum for Democratic Studies, the Reagan-Fascell Democracy Fellows Program, and the World Movement for Democracy, has served as a key center of democratic research, exchange, and networking, bringing together thousands of democracy activists, scholars, and practitioners from around the world; and

Whereas the spread of democracy throughout the world, to which the work of the Endowment has contributed significantly, has enhanced the national security interests of the United States and advanced democratic ideals and values throughout the world: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) commends the National Endowment for Democracy for its major contributions to the strengthening of democracy around the world on the occasion of the 20th anniversary of the establishment of the Endowment; and

(2) endeavors to continue to support the vital work of the National Endowment for Democracy.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1590. Mr. ALLEN (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 1591. Mr. DURBIN (for himself, Mr. DASCHLE, Mr. LEAHY, Mr. BINGAMAN, Mrs. MURRAY, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, *supra*.

SA 1592. Mr. REED (for himself, Mrs. MURRAY, Mr. DURBIN, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, *supra*.

SA 1593. Mr. REED submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, *supra*; which was ordered to lie on the table.

SA 1594. Mr. REED submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, *supra*; which was ordered to lie on the table.

SA 1595. Mr. REED (for himself, Ms. COLLINS, Mr. KENNEDY, Mr. LEAHY, Mr. ROCKEFELLER, Mr. VOINOVICH, Mr. JEFFORDS, Mr. KERRY, Mr. LIEBERMAN, Mr. SCHUMER, Mr. CORZINE, Mr. SARBANES, Mr. BINGAMAN, Mrs. LINCOLN, Mr. LEVIN, Mr. HARKIN, Mrs. CLIN-

TON, Mr. DURBIN, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, *supra*.

SA 1596. Mr. REED (for himself, Mr. KENNEDY, Mr. BINGAMAN, Mr. CORZINE, Mr. LEVIN, Mr. LAUTENBERG, Mr. SARBANES, Mrs. BOXER, Mr. SCHUMER, Mr. JOHNSON, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, *supra*.

SA 1597. Mr. DODD (for himself, Mr. KENNEDY, Mrs. MURRAY, Ms. MIKULSKI, Mr. DASCHLE, Mr. REED, Mr. BINGAMAN, Mr. LAUTENBERG, Ms. STABENOW, Mr. AKAKA, Mr. CORZINE, Mr. PRYOR, Mr. KERRY, Mr. JOHNSON, Mr. NELSON of Florida, Mrs. CLINTON, and Mrs. BOXER) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, *supra*.

SA 1598. Mr. SCHUMER (for himself, Ms. LANDRIEU, Mr. DURBIN, Mr. LAUTENBERG, Mrs. CLINTON, Mr. KENNEDY, Ms. STABENOW, Mr. BINGAMAN, and Ms. CANTWELL) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, *supra*.

SA 1599. Mr. KENNEDY (for himself, Mr. BINGAMAN, Mrs. MURRAY, Mr. LAUTENBERG, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 2660, *supra*; which was ordered to lie on the table.

SA 1600. Mr. DEWINE submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, *supra*; which was ordered to lie on the table.

SA 1601. Mr. DEWINE submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, *supra*; which was ordered to lie on the table.

SA 1602. Mr. CORZINE (for himself, Mrs. CLINTON, Mr. LAUTENBERG, Mr. HARKIN, and Mr. REID) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, *supra*.

SA 1603. Mr. REID proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, *supra*.

#### TEXT OF AMENDMENTS

SA 1590. Mr. ALLEN (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:  
SEC. \_\_\_\_ Effective as if included in the enactment of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66, 107 Stat. 312), section 1923(g)(1)(A) of the Social Security Act (42 U.S.C. 1396r-4(g)(1)(A)) is amended—

(1) in the first sentence, by inserting “(or by a related organization of the hospital treating hospital patients)” after “by the hospital”; and

(2) by striking the second sentence and inserting the following: “For purposes of this subparagraph—

“(i) payments made to a hospital for services provided to indigent patients made by a State or a unit of local government within a State shall not be considered to be a source of third party payment; and

“(ii) costs incurred during the year of furnishing hospital services shall include the costs to the hospital or a related organization, including a faculty practice plan that is affiliated with an academic medical center, of physicians’ services provided at the hospital.”.

SA 1591. Mr. DURBIN (for himself, Mr. DASCHLE, Mr. LEAHY, Mr. BINGAMAN, Mrs. MURRAY, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_ For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 for the prevention, treatment, and control of, and research on HIV/AIDS, in addition to funds appropriated in this Act and under the heading “Global AIDS Initiative” in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004, \$939,700,000, to remain available until expended: *Provided*, That funds appropriated under this section that are made available for the Global Fund to Fight AIDS, Tuberculosis, and Malaria shall be made available in accordance with sections 202(d)(1) and 202(d)(4) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108-25): *Provided further*, That if the President certifies to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives that the funds provided under this section can not be effectively used to implement HIV/AIDS prevention or treatment programs or programs that improve health care infrastructure to more effectively deal with the HIV/AIDS pandemic, then the funds provided by this section shall be returned to the Treasury: *Provided further*, That the amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$7,834,899,000: *Provided further*, That the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$5,843,601,000: *Provided further*, That of the funds appropriated in this Act for the National Institutes of Health, \$330,000,000 shall not be available for obligation until September 30, 2004.

SA 1592. Mr. REED (for himself, Mrs. MURRAY, Mr. DURBIN, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. \_\_\_\_ In addition to any amounts otherwise appropriated under this Act to carry out immunization programs under section 317 of the Public Health Service Act (42 U.S.C. 247b), there are appropriated an additional \$50,000,000 to carry out such programs: *Provided*, That such amount shall not be available for obligation until September 30, 2004: *Provided further*, That the amount

\$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$6,945,199,000: *Provided further*, That the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$6,733,301,000.

**SA 1593.** Mr. REED submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. \_\_\_\_\_. (a) STUDY.—The Comptroller General of the United States shall conduct a study concerning the long-term impact of competitive outsourcing at the Department of Health and Human Services on both cost savings as well as performance and efficiency. In conducting such study, the Comptroller General shall examine—

(1) the monetary value of the cost of paying and providing benefits for Federal employees as compared to the cost of contracting out such positions to non-Federal individuals and private entities, including the cost of conducting outsourcing studies, managing contracting out, and monitoring contractor compliance;

(2) the effects of outsourcing on Federal efficiency, specifically the benefits of a stable, integrated workforce on internal Departmental communications, institutional memory, workforce diversity, consistent application of policy (both internal and external), institutional relations with clients (including hospitals, researchers, nonprofit entities, and the general public), and the ability to recruit and retain the highest levels of expertise within crucial health agencies; and

(3) performance and accountability in outsourced work compared to work conducted by Federal Government agencies, specifically, whether or not there are adequate measurements in contracts to ensure performance levels, and if there exists a comprehensive means for determining accountability in the carrying out of Federal Government contracts.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report concerning the study conducted under subsection (a).

**SA 1594.** Mr. REED submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. \_\_\_\_\_. (a) INCREASE IN FUNDING FOR HEALTH PROFESSIONS PROGRAMS.—In addition to any amounts otherwise appropriated under this Act for health professions programs and activities under title VII of the Public Health Service Act (42 U.S.C. 292 et seq.), there are appropriated an additional \$257,000,000 for the Health Resources and Services Administration to fund such programs and activities.

(b) OFFSET.—Of the funds appropriated in this Act for the National Institutes of

Health, \$480,000,000 shall not be available for obligation until September 30, 2004. The amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$7,152,199,000, and the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$6,526,301,000.

**SA 1595.** Mr. REED (for himself, Ms. COLLINS, Mr. KENNEDY, Mr. LEAHY, Mr. ROCKEFELLER, Mr. VOINOVICH, Mr. JEFFORDS, Mr. KERRY, Mr. LIEBERMAN, Mr. SCHUMER, Mr. CORZINE, Mr. SARBANES, Mr. BINGAMAN, Mrs. LINCOLN, Mr. LEVIN, Mr. HARKIN, Mrs. CLINTON, Mr. DURBIN, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. \_\_\_\_\_. In addition to any amounts otherwise appropriated under this Act for additional home energy assistance needs of one or more States arising from a natural disaster or other emergency, under section 2602(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(e)), there are appropriated an additional \$300,000,000 for such needs: *Provided*, That of the funds appropriated in this Act for the National Institutes of Health, \$264,000,000 shall not be available for obligation until September 30, 2004: *Provided further*, That the amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$7,195,199,000: *Provided further*, That the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$6,483,301,000.

**SA 1596.** Mr. REED (for himself, Mr. KENNEDY, Mr. BINGAMAN, Mr. CORZINE, Mr. LEVIN, Mr. LAUTENBERG, Mr. SARBANES, Mrs. BOXER, Mr. SCHUMER, Mr. JOHNSON, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title III, insert the following:

SEC. 306. (a) In addition to any amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) an additional \$15,081,000 to carry out subpart 4 of part B of title I of the Elementary and Secondary Education Act of 1965;

(2) an additional \$24,100,000 to carry out the Library Services and Technology Act; and

(3) an additional \$5,182,000 to carry out the Museum Services Act.

(b) Of the funds appropriated in this Act for the National Institutes of Health, \$20,000,000 shall not be available for obligation until September 30, 2004.

(c) The amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$6,939,562,000, and the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$6,738,938,000.

**SA 1597.** Mr. DODD (for himself, Mr. KENNEDY, Mrs. MURRAY, Ms. MIKULSKI,

Mr. DASCHLE, Mr. REED, Mr. BINGAMAN, Mr. LAUTENBERG, Ms. STABENOW, Mr. AKAKA, Mr. CORZINE, Mr. PRYOR, Mr. KERRY, Mr. JOHNSON, Mr. NELSON of Florida, Mrs. CLINTON, and Mrs. BOXER) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. \_\_\_\_\_. (a) HEAD START FUNDING.—In addition to any amounts otherwise appropriated under this Act to carry out programs and activities under the Head Start Act (42 U.S.C. 9801 et seq.), there are appropriated an additional \$350,000,000 for such programs and activities.

(b) OFFSET.—Of the funds appropriated in this Act for the National Institutes of Health, \$700,000,000 shall not be available for obligation until September 30, 2004. The amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$7,245,199,000, and the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$6,433,301,000.

**SA 1598.** Mr. SCHUMER (for himself, Ms. LANDRIEU, Mr. DURBIN, Mr. LAUTENBERG, Mrs. CLINTON, Mr. KENNEDY, Ms. STABENOW, Mr. BINGAMAN, and Ms. CANTWELL) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. \_\_\_\_\_. In addition to amounts otherwise appropriated under this Act to carry out programs and activities under title XXVI of the Public Health Service Act (42 U.S.C. 300ff-11 et seq.), there are appropriated an additional—

(1) \$74,010,000 to carry out part A of such title XXVI (42 U.S.C. 300ff-11 et seq.);

(2) \$50,000,000 to carry out part B of such title XXVI (42 U.S.C. 300ff-21 et seq.);

(3) \$214,800,000 to carry out State AIDS Drug Assistance Programs under section 2616 of such title XXVI (42 U.S.C. 300ff-26);

(4) \$21,130,000 to carry out part C of such title XXVI (42 U.S.C. 300ff-51 et seq.);

(5) \$25,450,000 to carry out part D of such title XXVI (42 U.S.C. 300ff-71 et seq.);

(6) \$10,450,000 to carry out section 2692(a) of such title XXVI (42 U.S.C. 300ff-111(a)); and

(7) \$5,590,000 to carry out section 2692(b) of such title XXVI (42 U.S.C. 300ff-111(b)).

*Provided*, That of the funds appropriated under this Act for the National Institutes of Health, \$750,000,000 shall not be available for obligation until September 30, 2004: *Provided further*, That the amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$7,296,629,000: *Provided further*, That the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$6,381,871,000.

**SA 1599.** Mr. KENNEDY (for himself, Mr. BINGAMAN, Mrs. MURRAY, Mr. LAUTENBERG, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services,

and Education, and for related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. \_\_\_\_ (a) HEALTH WORKFORCE DIVERSITY PROGRAMS.—In addition to amounts otherwise appropriated to enable the Bureau of Health Professions to carry out the programs described in paragraphs (1) through (4), there are appropriated an additional \$109,000,000 to the Bureau of Health Professions to support health workforce diversity programs, including—

- (1) Centers of Excellence;
- (2) Health Career Opportunities Programs;
- (3) Disadvantaged Faculty Loan Repayment;
- (4) Scholarships for Disadvantaged Students; and
- (5) Health Professions Education in Health Disparities and Cultural Competency.

(b) OFFSET.—Of the funds appropriated in this Act for the National Institutes of Health, \$150,000,000 shall not be available for obligation until September 30, 2004. The amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$7,004,199,000, and the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$6,653,301,000.

**SA 1600.** Mr. DEWINE submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and for related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. \_\_\_\_ (a) MOTHER-TO-CHILD HIV TRANSMISSION PREVENTION.—In addition to any amounts otherwise made available under this Act to carry out mother-to-child HIV transmission prevention activities, there shall be made available an additional \$60,000,000 to carry out such activities.

(b) REDUCTION IN AMOUNTS.—Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, the Department of Education, and related agencies shall be reduced on a pro rata basis by \$60,000,000.

**SA 1601.** Mr. DEWINE submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and for related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. \_\_\_\_ (a) MOTHER-TO-CHILD HIV TRANSMISSION PREVENTION.—In addition to any amounts otherwise made available under this Act to carry out mother-to-child HIV transmission prevention activities, there shall be made available an additional \$60,000,000 to carry out such activities.

(b) REDUCTION IN AMOUNTS.—Each amount appropriated under this Act (other than amounts appropriated for mother-to-child HIV transmission prevention activities) that

is not required to be appropriated by a provision of law shall be reduced on a pro rata basis by \$60,000,000.

**SA 1602.** Mr. CORZINE (for himself, Mrs. CLINTON, Mr. HARKIN, and Mr. REID) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and for related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title III add the following:

SEC. 306. None of the funds provided under this Act shall be used to implement or enforce the annual updates to the allowance for State and other taxes in the tables used in the Federal Needs Analysis Methodology to determine a student's expected family contribution for the award year 2004-2005 under part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk et seq.) published in the Federal Register on Friday, May 30, 2003 (68 Fed. Reg. 32473), to the extent that such implementation or enforcement of the updates will reduce the amount of Federal student financial assistance for which a student is eligible: *Provided*, That of the funds appropriated in this Act for the National Institutes of Health, \$200,000,000 shall not be available for obligation until September 30, 2004.

**SA 1603.** Mr. REID proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and for related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title III, insert the following:

SEC. 306. (a) In addition to any amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated—

- (1) an additional \$85,000,000 to carry out title III of the Elementary and Secondary Education Act of 1965 (language instruction);
- (2) an additional \$6,449,000 to carry out part A of title V of the Higher Education Act of 1965 (Hispanic-serving institutions);
- (3) an additional \$4,587,000 to carry out part C of title I of the Elementary and Secondary Education Act of 1965 (migrant education);
- (4) an additional \$11,000,000 to carry out high school equivalency program activities under section 418A of the Higher Education Act of 1965 (HEP);
- (5) an additional \$1,000,000 to carry out college assistance migrant program activities under section 418A of the Higher Education Act of 1965 (CAMP);
- (6) an additional \$12,776,000 to carry out subpart 16 of part D of title V of the Elementary and Secondary Education Act of 1965 (parental assistance and local family information centers); and
- (7) an additional \$69,000,000 to carry out migrant and seasonal Head Start programs: *Provided*, That such sum shall be in addition to funds reserved for migrant, seasonal, and other Head Start programs under section 640(a)(2) of the Head Start Act.

(b) Of the funds appropriated in this Act for the National Institutes of Health, \$146,000,000 shall not be available for obligation until September 30, 2004.

(c) The amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$7,085,011,000 and the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$6,593,489,000.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, September 9, 2003, at 10 a.m., to receive testimony on U.S. military commitments and ongoing military operations abroad.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 9, 2003, at 10 a.m. to conduct a hearing on "The Implementation of the Sarbanes-Oxley Act and Restoring Investor Confidence."

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, September 9, 2003, at 9:30 a.m. on oversight of transportation security.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, September 9 at 10 a.m. to consider the nominations of Suede G. Kelly to be a member of the Federal Energy Regulatory Commission and Rick A. Dearborn to be Assistant Secretary of Energy, Congressional and Intergovernmental Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FINANCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, September 9, 2003, at 10 a.m., to hear testimony on "The Alias Among Us: The Homeland Security and Terrorism Threat from Document Fraud, Identity Theft and Social Security Number Misuse."

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 9, 2003 at 9:45 a.m. to hold an all-Member briefing on North Korea.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON THE JUDICIARY

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, September 9, 2003, at 10:00 a.m. in the Dirksen Senate Office Building Room 226 on "Ensuring the Continuity of the United States Government: The Congress."

*Witnesses*

Panel I: The Honorable Brian Baird, United States Representative [D-WA]; The Honorable David Dreier, United States Representative [R-CA].

Panel II: Dr. Norman J. Ornstein, Senior Counselor, Continuity of Government Commission, Resident Scholar, American Enterprise Institute, Washington, DC.

Mr. Doug Lewis, Director, The Election Center, Houston, TX.

Mr. Raymond F. DuBois, Deputy Under Secretary of Defense, Installations & Environment, Department of Defense, Arlington, VA.

Mr. Thad Hall, Program Officer, The Century Foundation, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON THE JUDICIARY

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, September 9, 2003, at 2:00 p.m. in the Dirksen Senate Office Building Room 226 on "Pornography, Technology, and Process: Problems and Solutions on Peer-to-Peer Networks."

*Witnesses*

Panel I: Linda Koontz, Director of Information Management, U.S. General Accounting Office, Washington, DC.

John Malcolm, Deputy Assistant Attorney General, Criminal Division, U.S. Department of Justice, Washington, DC.

Thomas J. Spota, Suffolk County District Attorney, Hauppauge, NY.

Robbie Callaway, Chairman, National Center for Missing and Exploited Children, Alexandria, VA.

Stephen Hess, Associate Academic Vice President for Information Technology, University of Utah, Salt Lake City, UT.

Douglas W. Jacobson, President and Chief Technology Officer, Palisade Systems, Ames, IA.

Panel II: William Barr, Esquire, General Counsel, Verizon Communications, Washington, DC.

Cary Sherman, President, Recording Industry Association of America, Washington, DC.

Marybeth Peters, Register of Copyrights, U.S. Copyright Office, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SPECIAL COMMITTEE ON AGING

Mr. FRIST. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Tuesday, September 9, 2003

from 10 a.m. to 12 p.m. in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON FINANCIAL INSTITUTIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Financial Institutions of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 9, 2003, at 2:00 p.m. to conduct a hearing on "Oversight of the Federal Home Loan Bank System."

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON NATIONAL PARKS

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, September 9, 2003 at 2:30 p.m.

The purpose of the hearing is to receive testimony on the following bills: S. 808, to provide for expansion of Sleeping Bear Dunes National Lakeshore; S. 1107, to enhance the Recreational Fee Demonstration Program for the National Park Service, and for other purposes; and H.R. 620, to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist the State of California or local educational agencies in California in providing educational services for students attending schools located within the park.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NATIONAL WORK AND FAMILY MONTH

On Friday, September 5, 2003, the Senate passed S. Res. 210, as follows:

Whereas the quality of workers' jobs and the supportiveness of their workplaces are key predictors of job productivity, job satisfaction, commitment to employers, and retention;

Whereas there is a clear link between work-family policies and lower absenteeism;

Whereas the more overworked employees feel, the more likely they are to report making mistakes, feel anger and resentment toward employers and coworkers, and look for a new job;

Whereas employees who feel overworked tend to feel less successful in their relationships with their spouses, children, and friends, and tend to neglect themselves, feel less healthy, and feel more stress;

Whereas 85 percent of U.S. wage and salaried workers have immediate, day-to-day family responsibilities off the job;

Whereas 46 percent of wage and salaried workers are parents with children under the age of 18 who live with them at least half-time;

Whereas job flexibility allows parents to be more involved in their children's lives, and parental involvement is associated with children's higher achievement in language and mathematics, improved behavior, greater academic persistence, and lower dropout rates;

Whereas a lack of job flexibility for working parents negatively affects children's

health in ways that range from children being unable to make needed doctors' appointments, to children receiving inadequate early care, leading to more severe and prolonged illness;

Whereas nearly one out of every four Americans—over 45 million Americans—provided or arranged care for a family member or friend in the past year;

Whereas nearly all working adults are concerned about spending more time with their immediate family; and

Whereas as an increasing number of baby boomers reach retirement age in record numbers, more and more Americans are faced with the challenge of caring for older parents: Now, therefore, be it

*Resolved*, That—

(1) it is the sense of the Senate that—

(A) reducing the conflict between work and family life should be a national priority; and

(B) the month of October of 2003 should be designated as "National Work and Family Month"; and

(2) the Senate requests that the President issue a proclamation calling upon the people of the United States to observe "National Work and Family Month" with appropriate ceremonies and activities.

ORDERS FOR WEDNESDAY,  
SEPTEMBER 10, 2003

Mr. SPECTER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow. I ask further that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of the current legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. SPECTER. For the information of all Senators, tomorrow the Senate will resume consideration of this bill, and we have already specified the amendments which are going to occur. Following those votes, the Senate will continue to work on the bill. The majority leader has stated his intention to complete the bill tomorrow. There are a number of pending amendments. The chairman and ranking member will be here throughout the day to work through the amendments. Senators can expect rollcall votes.

Mr. REID. If my friend will yield for a brief statement, all Senators should recognize that we will have no more rollcall votes if we finish this bill tomorrow night. That would work well because of September 11. Things have already been scheduled. We have eight Senators who will be gone a good part of that day because of their States having been so badly affected by the events of 9/11.

I say to all Senators, if we finish tomorrow, no matter what time, there will be no more votes for the remainder of this week, and we will do other legislative business. But there will be no votes.

Mr. SPECTER. Mr. President, there are still a couple of other wrap-up items.

DESIGNATING THE "ED EDMONDSON UNITED STATES COURTHOUSE" IN MUSKOGEE, OKLAHOMA

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1668, which is at the desk.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1668) to designate the United States courthouse located at 101 North Fifth Street in Muskogee, Oklahoma, as the "Ed Edmondson United States Courthouse."

There being no objection, the Senate proceeded to consider the bill.

Mr. SPECTER. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1668) was read the third time and passed.

STAR PRINT—SENATE REPORT 108-113

Mr. SPECTER. Mr. President, I ask unanimous consent that Senate report No. 108-113 be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPLETION OF H.R. 2660

Mr. SPECTER. Mr. President, I thank the assistant Democratic leader. I think it has been a productive day—starting at 5 o'clock. I am happy to have had the votes. It breaks the logjam. We had quite a number of amendments offered this evening. I think the stage has been set to move with dispatch tomorrow.

The assistant Democratic leader has made the suggestion about early votes,

which I think is a good idea. Very little remains on both sides. There is always great temptation to proceed with alacrity once the light at the end of the tunnel signifies no additional votes, at which point the railways and airlines become congested with 100 passengers. So we now have that incentive to move ahead with dispatch tomorrow to complete the bill. I think it will be a signal accomplishment to get it done.

ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mr. SPECTER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:11 p.m., adjourned until Wednesday, September 10, at 9:30 a.m.